



Hull York Medical School

## Code of Practice on Student Research Misconduct

<b>Approval Process:</b>	
Committee	Outcome/Date of approval
Codes of Practice Working Group (First reading)	21 <sup>st</sup> February 2013
Postgraduate Research Board	21 <sup>st</sup> February 2013
HYMS Management Board (if applicable)	N/A
HYMS Quality Committee	18 <sup>th</sup> April 2013
HYMS Board of Studies	18 <sup>th</sup> April 2013 (Chair's Action)
HYMS Joint Senate Committee	2 <sup>nd</sup> May 2013
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Minor changes to presentation and titles only – for academic year 2014-15	Head of Quality and Standards
Code next due for review:	2015-16, or as required
Responsibility to update:	Chair of Postgraduate Research Board

<b>Publication:</b>	
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HYMS website	1 <sup>st</sup> July 2014
K:drive	1 <sup>st</sup> July 2014

To obtain this Code of Practice in an alternative format:  
Contact the HYMS Quality Officer.

## **1. Standards of Professional Integrity in Research**

- 1.1. HYMS is committed to the exploration, creation and communication of knowledge. In fulfilment of this mission, it is committed to conducting its research professionally, in ways that are both expert and responsible.
- 1.2. The Nolan Committee on Standards in Public Life has made recommendations 'to ensure the highest standards are maintained' in key areas of public life. The Committee properly sees higher education as one of those key areas. Both Universities have endorsed the seven principles of public life that the Nolan Committee articulates for the benefit of all who serve in a public way and which have relevance to best practice in the conduct of research: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.3. Everyone involved in research in an institution of higher education owes a duty of accountability to society, to their profession, to their institution and to the funders of their research, to accept full responsibility for the integrity of their own conduct of that research, and for the activities of students under their direction. This extends to accountability for the ethical basis of the research, for the safety of all involved in the research process, for the probity of the financial management of the project, and for seeking to provide optimum value for the public or private funds invested in the project. These responsibilities extend in turn to the effective management of any agreed timetable for the project, together with timely provision of any tangible outcomes scheduled to be delivered to an external sponsor. Any member of HYMS who has concerns that research misconduct has taken or is taking place has a duty of care to raise those concerns and should feel free to raise them with the most appropriate officer in complete confidence.

## **2. Definition of Misconduct in Research**

- 2.1. All members of HYMS are expected to observe high standards of professional conduct and integrity in the practice of research and in the publication of research. Any departure from those ethical standards for proposing, conducting and publishing research constitutes research misconduct and is unacceptable to the consensus among members on the standards and values to which they wish to subscribe. HYMS holds that all the instances of misconduct exemplified by (but not limited to) those outlined below, are unacceptable.
- 2.2. The following are examples of research-related misconduct whether deliberate, reckless or negligent:

- Failure to obtain appropriate permission to conduct research.
- Deception in relation to research proposals.
- Unethical behaviour in the conduct of research, for example, in relation to research subjects.
- Unauthorised use of information which was acquired confidentially.
- Deviation from good research practice, where this results in unreasonable risk of harm to humans, other animals or the environment.
- Fabrication, falsification or corruption of research data.
- Distortion of research outcomes, by distortion or omission of data that do not fit expected results.
- Failure to report appropriately relevant findings of research.
- Dishonest misinterpretation of results.
- Publication of data known or believed to be false or misleading.
- Plagiarism, or dishonest use of unacknowledged sources.
- Misquotation or misrepresentation of other authors.
- Inappropriate attribution of authorship.
- Fraud or other misuse of research funds or equipment.
- Attempting, planning or conspiring to be involved in research misconduct.
- Inciting others to be involved in research misconduct.
- Collusion in or concealment of research misconduct by others.

### **3. Scope**

- 3.1. The scope of this document is taken to include all students registered with HYMS undertaking research as part of a programme of study (whether categorised as taught or research programmes).
- 3.2. Research misconduct by members of HYMS staff, visiting researchers and those with honorary positions conducting research within or on behalf of HYMS is covered under the appropriate Code of Practice from the employing or appointing parent University (either the University of Hull or University of York).
- 3.3. HYMS Postgraduate Research Board has the responsibility to handle allegations of research misconduct for all students registered with HYMS whether they are undergraduate or postgraduate students.
- 3.4. The standard of proof required for a finding of research misconduct is that used in civil law, the balance of probability.

## 4. Allegations

- 4.1. Any allegation of misconduct against a student undertaking research must be brought forth in writing to the Chair of the HYMS Postgraduate Research Board.
- 4.2. If there is uncertainty whether the allegation should be subject to the procedures for academic misconduct (included in the Code of Practice on Academic Integrity and Conduct) or those in this Code of Practice, the Chair of the HYMS Postgraduate Research Board should consult with the Chair of the Academic Progress Committee.
- 4.3. The Chair of the HYMS Postgraduate Research Board, in consultation with the Chair of HYMS Research Committee, should determine whether there is a case to be investigated. They may determine that an allegation is vexatious or frivolous, or such a vague nature that there is no evidence likely to be found. In which case they may therefore reject the allegation without an investigation being conducted.
- 4.4. If there is a case to be investigated, then the Chair of the Postgraduate Research Board and the Chair of HYMS Research Committee should recommend to the Dean of HYMS the appointment of an Investigating Officer to investigate the allegation. The Investigating Officer must not be the student's current supervisor, joint-supervisor, research collaborator, TAP member, or mentor.

## 5. Procedure

### 5.1. Initial Assessment

- 5.1.1. The Investigating Officer should first review the evidence supporting the allegation and make a recommendation to the HYMS Postgraduate Research Board on whether formal investigation is required. This will involve consideration of written and other evidence, and may include an initial meeting with the student(s) against whom there are allegations of research misconduct, in which case a record of the meeting must be kept.
- 5.1.2. In cases where the alleged research misconduct is of a level where correction of error is feasible and there is the prospect for the student to learn from the incident without risk of repetition, the Investigating Officer may recommend that a **consensual resolution** is sought with the student concerned. This shall not be an

appropriate decision where the alleged research misconduct has been incorporated in a report submitted for publication or a thesis submitted for a degree, or might otherwise adversely affect the reputation of HYMS and the Universities of Hull and York.

- 5.1.3. A recommendation of the Investigating Officer for consensual resolution should be considered by the Chair of Postgraduate Research Board, the Chair of HYMS Research Committee, and the Dean of HYMS. If this is agreed, the Chair of the student's Thesis Advisory Panel shall be asked to meet the student and discuss the allegation. A written report of the discussion and the agreed resolution or actions to be taken will be sent to the student and reported to the Postgraduate Research Board. A copy must be kept on the student's file. The report may also be passed to other relevant HYMS committees for consideration and possible action in the appropriate area of responsibility.

## **5.2. Formal Investigation**

- 5.2.1. Where an attempt to reach a consensual resolution is inappropriate or has failed, the Investigating Officer may recommend to the Chair of the Postgraduate Research Board, the Chair of Research Committee, and the Dean of HYMS, that a formal investigation and hearing is required.
- 5.2.2. Where the decision for a formal investigation and hearing is made, the Chair of the Postgraduate Research Board, the Chair of Research Committee, and the Dean of HYMS should determine whether the case should be subject to the procedures in this Code of Practice (applicable only to students registered with HYMS) or whether the student is a staff-candidate and should be referred to the appropriate HR procedure of the employing institution, either the University of Hull or the University of York.

## **5.3. Appointment of the Hearing Panel**

- 5.3.1. The HYMS Board of Studies shall be asked to appoint a formal Hearing Panel.
- 5.3.2. The Hearing Panel shall comprise between three and five members, chaired by one of the HYMS Associate Deans for Research. Panel members shall be of appropriate background and standing and must

be independent of the student and research project under investigation. To ensure sufficient knowledge and experience in the subject matter under consideration, the Panel may also include or consult subject specialists external to HYMS or the Universities of Hull and York.

- 5.3.3. The Board of Studies must ensure that all panel members are fully briefed on the relevant regulations and procedures, and any applicable external guidance, for example, from the UK Research Integrity Office.

## **5.4. Pre-Hearing Process**

- 5.4.1. The Secretary of Board of Studies will notify the student of:
  - 5.4.1.1 The details of the allegations against them.
  - 5.4.1.2 The identity of the Investigating Officer.
  - 5.4.1.3 The identity of the members of the Hearing Panel.
  - 5.4.1.4 Any suspension or limitation placed, without prejudice, upon the continuation of studies and/or clinical attachment during the period of the investigation. Any such suspension must have been approved by the Board of Studies.
- 5.4.2. The Investigating Officer must write a formal report on the allegations. To do so, he/she may interview the student, and other relevant individuals, including subject specialists as appropriate, and may require that these individuals submit written comments. At such interviews, students and other relevant individuals may bring a supporter. The Investigating Officer should consider using a notetaker to prepare a written record of the meeting with the student under investigation, and other witnesses if appropriate.
- 5.4.3. Following completion of the report, the student will be required to appear before the Panel. The Secretary of the Board of Studies will notify the student of:
  - 5.4.3.1 Date of the Panel Hearing, for which at least 21 days notice must be given, to allow the student at least 15 days to prepare a case, and submit and supporting information for the case for circulation to members of the Panel.
  - 5.4.3.2 Written evidence to be considered by the Panel. This will normally consist of the report and associated evidence. All

- documentation relating to the case circulated to the members of the Panel must be circulated to the student.
- 5.4.3.3 Names of any witnesses who will be invited to attend including person(s) who may be able to provide expert advice on specific aspects of the case.
  - 5.4.3.4 The student should be informed of any change to conditions in relation to suspension or limitation placed previously.

## **5.5. Conduct of the Hearing**

The Chair of the Panel will:

- 5.5.1. Confirm that all documentation circulated to the members of the Panel has also been circulated to the student.
- 5.5.2. Invite the student, the Investigating Officer and any witnesses to the Hearing. The student may be accompanied by a supporter of their own choosing, who may speak at the discretion of the Chair. The supporter may be a student, member of staff or Student Union representative from the University of Hull and the University of York.
- 5.5.3. If the student is not in attendance the Panel must satisfy itself that all reasonable attempts have been made to inform the student of the Hearing, that the student has been given adequate opportunity to attend and that, as far as can reasonably be ascertained, the student has declined to attend. Once the Panel has been satisfied on these points, the Hearing may proceed in the student's absence.
- 5.5.4. Point out that if any time during the hearing, the prospect of consensual resolution emerges, the consent of the student will be sought of that process to be re-opened.
- 5.5.5. Conduct introductions and explain the functions of the Panel and any other staff present.
- 5.5.6. Explain the powers of the Panel.
- 5.5.7. Invite the Investigating Officer, and other witnesses required to attend, to make statements, allowing members of the Panel to ask questions after each statement. The Chair will allow reciprocal questioning by various parties.



- 5.5.8. Invite the student, and if applicable, the student's supporter, to make a statement in her/his own words, and allow members of the Panel to ask questions of the student.
- 5.5.9. Invite any other person(s) who may be able to provide expert advice on specific aspects of the case to make a brief statement, allowing members of the Panel to ask questions after each statement.
- 5.5.10. Once satisfied that all parties have had a full opportunity to make statements and ask questions, invite all but the members of the Panel to withdraw but remain in waiting.
- 5.5.11. Chair discussion of the case, if necessary seeking clarification by call of all parties.
- 5.5.12. Advise all parties when they can disperse.
- 5.5.13. Confirm the recommendation of the Panel, along with any findings of fact, to the student in writing by post and email within three working days of the decision being reached.
- 5.5.14. Prepare a formal report to the HYMS Board of Studies of the outcome.

## **6. Powers of the Hearing Panel**

- 6.1. Powers of the Hearing Panel are to take actions in relation to the student, and to make recommendations in relation to the student's research outputs and HYMS process of research management or supervision.
- 6.2. Powers of actions in relation to the student.

The Hearing Panel has the authority to make or enforce the outcomes detailed below:

- 6.2.1. The allegations are unproven and no action is to be taken against the student.
- 6.2.2. Consensual or agreed resolutions:
  - Accept undertakings from students
- 6.2.3. Non-consensual or enforced resolutions
  - Formal warning

- Impose conditions
  - Require remedial or additional work
  - Place under observation / on report
- 6.2.4. Suspension or termination of programme of study
- The Hearing Panel may recommend to the Board of Studies suspension or termination of a student's programme of study.
  - In the case of suspension, the Hearing Panel may recommend that the student be suspended from the programme for a specified period up to one year. Stipulation of conditions for re-admission must accompany such a recommendation.
  - In the case of termination, such a recommendation must include the opinion of the Hearing Panel on whether any restriction should be placed upon future registration in a research programme within either the University of Hull or the University of York.
- 6.2.5. In addition to any of the above, the Hearing Panel may also determine that the case involves fitness to practise issues and should be disclosed to the HYMS Fitness to Practise Committee if the student is an undergraduate medical student.
- 6.2.6. The Hearing Panel has power to recommend to the HYMS Board of Studies that the Dean of HYMS writes to relevant regulatory bodies advising them of the misconduct identified, for example, GMC and Home Office for research involving animals.
- 6.3. Powers of actions in relation to the student's research degree outputs
- 6.3.1. To recommend to HYMS Board of Studies that a thesis already submitted be not examined, and whether a revised thesis might be considered for examination.
- 6.3.2. To recommend to HYMS Board of Studies that a thesis already examined does not meet the requirements for award, and whether a revised thesis might be considered for examination.
- 6.3.3. To recommend to the HYMS Board of Studies that they in turn recommend to HYMS Joint Senate Committee that a degree of the University of Hull and the University of York jointly, already approved or conferred, should be rescinded.

- 6.3.4. To recommend to the HYMS Board of Studies that the Dean of HYMS writes to any external bodies, for example, publishers of scientific journals, retracting research outputs which have been determined unsound.
  - 6.3.5. To recommend to the HYMS Board of Studies that the Dean of HYMS writes to funding bodies or other organisations involved in the research advising them of the findings.
- 6.4. Powers of actions in relation to HYMS process of research management or supervision
- 6.4.1. To recommend to HYMS Board of Studies and other relevant academic committees and research centres to review internal management, training, and supervisory procedures for research.

## **7. Appeals**

- 7.1. Students are entitled to appeal against the decision made by the Hearing Panel. The appeal procedures are set out in the HYMS Code of Practice on Academic and Fitness to Practise Appeals