

Research Degree Regulations Schedule B

Procedures relating to academic malpractice for research degree students

1. Preamble

- 1.1. This document is an appendix to the Research Degree Regulations concerned with the investigation of academic malpractice in relation to research carried out for the award of MRes, PhD, professional doctorate or PhD by publication.
- 1.2. The Schedule is informed by the University's procedure relating to academic malpractice for taught degrees but differs in key areas to reflect the distinct nature of a research degree. This Schedule is also informed by the University's Code of Practice for the Conduct of Research which stipulates the behaviours and approaches required to conduct excellent research with integrity.

2. Definition of Malpractice

- 2.1. Malpractice may be broadly defined as an attempt to gain an advantage by the use of unfair and/or unacceptable methods. However, it is important to note that the definitions and descriptions in this Schedule are indicative, not exhaustive, and the University reserves the right to deem that malpractice has occurred in instances that are not explicitly defined in this document where appropriate.
 - 2.2. Types of Malpractice:-
 - Fabrication: this includes the creation of false data or other aspects of research, including documentation and participant consent
 - Falsification: this includes the inappropriate manipulation and/or selection of data, imagery and/or consents
 - Plagiarism: this includes the general misappropriation or use of others' ideas, intellectual property or work (written or otherwise), without acknowledgement or permission. It may take the form of:
 - verbatim copying or insertion of another person's work (published or unpublished and including material freely available in electronic form) without appropriate acknowledgement
 - the close paraphrasing of another person's work by simply changing a few words or altering the order of presentation, without appropriate acknowledgement
 - unacknowledged quotation of phrases from another person's work
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- the deliberate and detailed presentation of another person's concept as one's own
- Misrepresentation, including:
 - Misrepresentation of data, for example suppression of relevant findings and/or data, or knowingly, recklessly or by gross negligence, presenting a flawed interpretation of data
 - Undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication
 - Misrepresentation of interests, including failure to declare material interests either of the researcher or of the funders of the research
 - Misrepresentation of qualifications and/or experience, including claiming or implying qualifications or experience which are not held
 - Misrepresentation of involvement, such as inappropriate claims to authorship and/or attribution of work where there has been no significant contribution, or the denial of authorship where an author has made a significant contribution
- Failure to adhere to the University's Framework for Research Ethics, including breach of duty of care, which involves deliberately, recklessly or by gross negligence:
 - Disclosing improperly the identity of individuals or groups involved in research without their consent, or other breach of confidentiality
 - Placing any of those involved in research in danger, whether as subjects, participants or associated individuals, without their prior consent, and without appropriate safeguards even with consent; this includes reputational danger where that can be anticipated
 - Not taking all reasonable care to ensure that the risks and dangers, the broad objectives and the sponsors of the research are known to participants or their legal representatives, to ensure appropriate informed consent is obtained properly, explicitly and transparently
 - Not observing legal and reasonable ethical requirements or obligations of care for animal subjects, human organs or tissue used in research, or for the protection of the environment or cultural objects
 - Improper conduct in peer review of research proposals or results (including manuscripts submitted for publication); this includes failure to disclose conflicts of interest; inadequate disclosure of clearly limited competence; misappropriation of the content of material; and breach of confidentiality or abuse of material provided in confidence for peer review purposes.

3. Procedure for dealing with academic malpractice in PhD theses

3.1. The procedure consists of various stages which will be conducted in as timely a manner as possible but with sufficient time to allow a rigorous investigation, namely:

- Establishing whether there is a case to answer
- Establishing a panel of inquiry, drawn from a standing panel

- Investigation by the panel
- A meeting of the panel with the student and a representative of the Graduate School presenting the case

4. Establishing a case

- 4.1. Malpractice need not only be suspected by an examiner. When someone (examiner, supervisor, other member of University staff, etc.) suspects that an infringement has occurred, they will advise the Assistant Director for Postgraduate Research or nominee, who will request a formal report on the nature of the malpractice.
- 4.2. The report will be submitted to the Chair of the Graduate School Board of Studies (GSBoS). They will appoint a member of the professoriate who is outside the department of the student and not a member of the supervisory team, to review the case to determine whether there appears to be a case to answer: i.e. that a case to answer has been 'established'.
- 4.3. Where it is determined that there is a case to answer, the Assistant Director for Postgraduate Research, acting on behalf of the Chair of the Graduate School Board of Studies, will convene a panel of inquiry. The panel will comprise a chair (a dean or professor of the University) and two research active members of staff nominated by the Chair of the Graduate School Board of Studies drawn from a standing panel. No member of the panel will have had any previous involvement with the student nor will they be drawn from the subject area in which the student's research is based. The secretary to the panel will be the Postgraduate Research Student Administrator in the Research Office; where they are not available it will be another administrator from the RO.
- 4.4. The member of the professoriate who has established there is a case to answer will normally act as the representative of the Graduate School in presenting the case to the panel of inquiry.
- 4.5. The panel members will receive all the material available to the Board in order to complete its deliberations.

5. Malpractice Panel of Inquiry

- 5.1. Once a panel has been convened, the Chair of GSBoS will write to the student to inform her/him that there are suspicions of malpractice and that they will be invited to attend a panel of inquiry.
- 5.2. The panel will meet as soon as possible and not later than six weeks from the date an allegation is formally submitted.
- 5.3. The letter will include a copy of the regulations pertaining to academic malpractice in relation to research students. The student will have at least five days' notice for the meeting.
- 5.4. The Chair of GSBoS will make all reasonable efforts to provide the student with a copy of the original work in which the student is alleged to have committed academic malpractice and of any evidence in support of the case prior to the hearing; however, this may not always be possible due to the volume of documentation or the nature of the alleged malpractice. Where it is not practicable to post case materials in advance, students wishing to view such materials in

advance of the hearing must contact the secretary to the panel to arrange a viewing. Contact details for the secretary will be made available on the initial letter from the Chair of GSBoS. Note that the opportunity to view the material in advance shall not delay the panel meeting and it is the responsibility of the student to ensure that they make themselves available in advance of the hearing should they wish to view this documentation. No documentation can be removed from the University premises during this viewing and a member of staff, who will normally be the secretary to the panel, will be in attendance at all times as an observer only.

5.5. The letter from the Chair of GSBoS will inform the student of their right to be accompanied by a 'friend.'¹ In exceptional cases the Chair of GSBoS may agree to a person who is not a member of the Edge Hill community being in attendance to support the student.

5.6. If the student does not attend, and does not request the panel be adjourned, the meeting will go ahead in her/his absence. Equally, if the student does not give a reasonable explanation for non-attendance or in the view of the Chair of GSBoS the student unreasonably attempts to delay or further delay proceedings, the meeting may go ahead in the student's absence providing this is authorised directly by the Chair of GSBoS.

5.7. The terms of reference for the Panel of Inquiry are:

- to investigate the allegation of malpractice, having regard to the evidence presented to it by the representative of the Graduate School and the student
- to determine whether malpractice has occurred and, if so, the extent and severity of the malpractice
- in cases of proven malpractice, to determine its recommendations to the Graduate School Board of Studies (see section 6.1)
- to inform the student and the Graduate School Board of Studies of its recommendations

5.8. The Panel will normally conduct its hearing as follows:

- Panel's private deliberation.
- The chair will call for the student, 'friend' and the member of the professoriate (the Graduate School representative) presenting the case to enter the room.
- Chair's introduction:
 - Welcome and introduction of persons present
 - Outline of the Panel's remit
 - Outline of procedure for the hearing
- The chair will call for the GS Representative to present the case and invite any persons present to ask relevant questions.

¹ See *Appendix 31 (of the general Academic Regulations): Role of a Student's Friend in Academic Conduct Procedures* for full guidelines.

- The chair will invite the student to respond and invite any persons present to ask relevant questions.
- When the chair is satisfied that all relevant information has been provided, the chair will explain to the student that the panel will deliberate and the outcome will be communicated to the student by the Chair of GSBoS, in writing, within ten working days of the hearing.
- The chair will invite the student, 'friend' and the GS Representative to leave the meeting.
- Panel's private deliberation: the decision of the panel regarding the seriousness of the offence will be a matter of academic judgement.
- Close

6. Authorised Penalties and Guidance on Sanctions

6.1. The following recommendations are available to the panel:

- The accusation is unfounded and the student should be permitted to continue to examination without penalty, or, in cases where examination has already taken place, an alternative recommendation should be made by the examination panel to the Graduate School Board of Studies;
- The accusation is upheld and the student should be failed with an opportunity for retraining and resubmission under the re-examination regulations (section N18). (Note this recommendation is not available if the student is already registered for re-examination);
- The accusation is upheld and the student should be failed outright with a recommendation for exclusion.

6.2. The Chair of the Graduate School Board of Studies will confirm the position of the student at the earliest opportunity, within ten working days of the hearing.

6.3. Where evidence of academic malpractice becomes available subsequent to an award having been made or recommended by the examiners, the malpractice regulations will be invoked and the original decision may be set aside (see also section A2.5 of the Academic Regulations).

6.4. Students who are deemed to have committed malpractice have a right of appeal under the Academic Appeals Procedures of the University (see [Academic Regulations Appendices](#)).

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