

Complaints Procedure Scientific Integrity 2020

Explanation of model Complaints Procedure for Scientific Integrity

This model scheme has been drawn up by the joint Dutch universities to serve as a starting point and example for the complaints scheme that each university establishes itself. It can also be used by other institutions that have endorsed the Dutch code of conduct for academic integrity.

The aim of a joint model scheme is to treat as much as possible equal treatment of alleged violations of academic integrity. As a result, principles, terminology and procedures will be the same as much as possible for anyone dealing with complaints about or alleged integrity violations. This is important because the institutions consider themselves responsible for the behavior of any researcher who conducts or has conducted scientific research under their responsibility. The institution promises to investigate substantiated alleged violations of academic integrity.

This regulation has been drawn up with due observance of the provisions of Chapter 9 of the General Administrative Law Act, because this Act may apply to complaints to public institutions and, moreover, because the Act provides good guidance for careful complaint handling.

Complaints Procedure Scientific Integrity University of Groningen 2020

Preamble

The Dutch Code of Conduct for Academic Integrity 2018 lays down the guiding principles of good and sound academic practice and the resulting standards for good research practices, which are also endorsed by the institution and which serve as guidelines for a university as referred to in Article 1.7 of the WHW.

Within the institution, all those involved in the research have their own responsibility for maintaining scientific integrity. Everyone must always work to ensure that the standards are carefully observed. If it is assumed that the academic integrity has been violated, a complaint can be made. The institution ensures a careful and fair procedure for handling the complaints and the subsequent decision-making. To that end, the board of the institution has adopted the following scheme.

This regulation will be applied as much as possible by analogy if an investigation into possible violation of academic integrity is initiated at the request of the board of the institution without a complaint having been lodged.

Section 1 Definitions

- 1.0 Code of Conduct: Dutch Code of Conduct for Academic Integrity 2018.
- 1.1 Violation of Scientific Integrity: Acting or omitting to commit a violation of scientific integrity within the meaning of paragraph 5.2 under A 1, 2 or 3 of the Code of Conduct.
- 1.2 Complaint: A written report about an alleged violation of academic integrity committed by an employee.
- 1.3 Complainant: The person who turns to the board with a complaint.
- 1.4 Defendant: The employee whose conduct has been the subject of a complaint, or whose actions are being investigated by the committee at the request of the board
- 1.5 Employee: The person who has or has had an employment contract with the institution or who otherwise works or has worked under the responsibility of the institution; this also includes persons who are not or only part-time affiliated with the institution insofar as they participate in the research of the institution or publish their research under the name or responsibility of the institution. Exceptions are persons who are only involved in the research in a supporting role.
- 1.6 Confidential counsellor: The person who has been appointed as a confidential counsellor for academic integrity by the board.
- 1.7 Committee: the committee set up by the board to deal with complaints about violations of academic integrity.
- 1.8 Board: the Executive Board of the institution.
- 1.9 Supervisory Board: the supervisory board of the institution.
- 1.10 Institution: University of Groningen.

Section 2 General

- 2.1 Everyone has the right to consult the confidential advisor in the event of an alleged violation of scientific integrity.
- 2.2 Everyone has the right to file a complaint with the committee, which will immediately inform the board of the receipt of the complaint. A complaint can only be made about an alleged violation of scientific integrity. The complaint must be sufficiently substantiated as to why the complainant considers scientific integrity to have been violated.

The CWI informs the complainant as soon as possible, but no later than four weeks after receipt of the complaint whether the complaint is being processed. The accused and the dean of the faculty where the accused works are also informed of this.
- 2.3 The board may also request the committee to investigate an alleged violation of academic integrity without a complaint having been submitted.
- 2.4 An anonymous complaint will only be dealt with if the committee sees reason to do so because it is considered that:
 - a. compelling public interests or compelling interests of the institution or of those involved and
 - b. the fact-finding can take place without the complainant's input.
- 2.5 If the complaint concerns a member of the board, the supervisory board will exercise the role and powers that are vested in the board in these regulations.
- 2.6 If the complaint relates to someone who is or has been an employee of several institutions that have subscribed to the Code of Conduct and the complaint could consequently be investigated at several institutions, joint complaint handling can take place or the institutions involved make other arrangements about the manner of complaint handling. . In that case, a decision about the method of treatment is taken by the board.
- 2.7 Everyone is obliged to cooperate with the confidential counsellor or the committee within the set reasonable period of time that they can reasonably request in the exercise of their powers.
- 2.8 Everyone involved in the handling of a complaint is subject to confidentiality regarding the content of the complaint and the information that has become known in connection with the complaint or the procedure. This duty of confidentiality also applies after the procedure has ended, with the exception of the anonymised presentation of matters in annual reports or on the VSNU website. If the confidentiality obligation is breached, the committee or the board may attach appropriate consequences.

Section 3 Confidential advisor

3.1 Appointment

- a. The board appoints one or more confidential counsellors for a period of four years. Reappointment for a consecutive period of four years is possible.
- b. The confidential counselor has a scientific background, an impeccable scientific reputation and is able to handle contradictions and conflicts well. The confidential counselor may not have an additional position that may hinder the functioning as a confidential counselor.
- c. The members of the supervisory board, the members of the board, the deans and vice-deans of the faculties and the members of the committee are not eligible for appointment.
- d. The board can terminate the appointment prematurely:
 - at the confidential advisor's own request;
 - because of no longer meeting the requirements for appointment;
 - due to dysfunction as a confidential advisor.

3.2 Task

The confidential advisor acts as an approachable contact point for questions and complaints about academic integrity;

- tries, if possible, to mediate or otherwise amicably resolve the complaint;
- shows the complainant the way to file a complaint with the board;
- must not assist both the complainant and the accused at the same time;
- only acts on behalf of the complainant or the accused with their consent.

3.3 Accountability

The confidential counselor is accountable to the board for the activities afterwards in an annual report for the annual report of the institution. The report reports in general terms on the cases dealt with and the activities performed. The report must not be traceable to individuals. The confidential counselor also owes confidentiality about everything that has become known to him or her in that capacity. This can only be deviated from with the express permission of the complainant and the accused.

Section 4 Scientific Integrity Committee

4.1. Appointment and composition

- a. The board establishes a committee for academic integrity, consisting of a chairperson and at least two other members. Preferably at least one of them is a lawyer.
- b. The chairman and members are appointed by the board.
- c. The provisions of Article 3.1 apply mutatis mutandis, with the understanding that a confidential counsellor is not eligible for appointment as chairman or member of the committee.
- d. The appointment strives for a balanced representation of the academic fields.
- e. For the investigation of a particular complaint, the committee can be temporarily extended with experts or ad hoc members, whether or not affiliated with the institution.
- f. The committee is supported by a secretary.

4.2. Task

The Scientific Integrity Committee investigates complaints, assesses whether scientific integrity has been violated and advises the Board on this. At the request of the board, it can also conduct an investigation and provide advice on this without a complaint having been submitted.

4.3. Authorizations

- a. The committee is authorized to obtain information from all employees and bodies of the institution. It may request access to or copies of all documentation and correspondence it deems important to its investigation and may seize or have them sealed whenever necessary.
- b. The documentation referred to in the previous paragraph also includes the dates of the investigation to which the complaint relates. Parts of the scientific research that are not publicly available and the relevant data must, if the Committee deems it necessary, be made available for inspection to two persons designated by the Committee for this purpose. These individuals conduct the audit in strict secrecy and share their findings only with the committee. The relevant findings will be reflected in the committee's advice in such a way that the confidentiality of the research or the research data is not harmed.
- c. The committee may consult experts or other third parties, whether or not affiliated with the institution. A report is made of the consultation. Parties are informed about the identity of the experts or third parties consulted.

4.4. Method

- a. Insofar as the committee's working method has not been laid down in these or in further regulations, this is determined by the chairman.
- b. Unless it is a question of article 2.6, a complaint will be handled by the chairman of the committee and two other members, possibly supplemented by one or more experts or ad hoc members. These experts or ad hoc members are appointed by the board at the request of the committee.
- c. Members of the committee who are in any way involved with the persons or facts to which the complaint relates or who otherwise have an interest in the case are not eligible for handling a complaint.

4.5 Start of the procedure

- a. After receipt of the complaint, the committee informs the complainant and the defendant in writing within two weeks that it has received the complaint and informs those involved about the procedure to be followed and the content of the complaint.
- b. The committee assesses whether it can deal with a complaint by hand of the following requirements:
 - I. the complaint contains a clear description of the alleged violation of academic integrity by one or more employees and is accompanied by the relevant written documents or other evidence;
 - II. the complaint is dated and states the name, position and contact details of the complainant. This requirement does not apply if Article 2.4 applies.
- c. If the complaint is incomplete, the committee will offer the complainant the opportunity to complete the complaint within a period set by her. The period referred to in 4.5 under f is then extended by the period referred to in the previous sentence or the period within which the supplement was provided.
- d. The committee is authorized to advise the board not to deal with a complaint in substance if
 - I. after the alleged violation, too long a time has passed or the complainant has waited an unreasonably long time to submit the complaint. In principle, a term of ten years applies as such;
 - II. the complaint has already been investigated by her or a similar committee;
 - III. the complainant has violated the confidentiality obligation of Article 2.8.
- e. The committee is also authorized to advise the board not to deal with a complaint substantively if, on the basis of an initial assessment, it has come to the conclusion that
 - I. the complaint is manifestly unfounded;
 - II. the complaint is apparently of insufficient importance;
 - III. the complaint concerns only a professional difference of opinion;
 - IV. the complaint can only be traced back to an employment conflict;
 - V. the complaint cannot lead to the opinion that the action of the accused is a violation of scientific integrity.
- f. The committee will issue advice to the board within four weeks if it is of the opinion that the complaint should not be handled substantively.
- g. The board then decides as soon as possible about not dealing with substantive matters and sends its decision to the complainant and the accused. If it is decided not to proceed with substantive treatment, this is an initial opinion as referred to in Article 5.1.
- h. If part f does not apply or if the board decides to deal with the substance in accordance with part g, the committee will proceed to substantive treatment. The starting point here is that the person concerned is considered to be innocent until proven otherwise.

4.6 Substantive handling of a complaint

- a. The committee will consider whether there are other interested parties besides the complainant and the accused who should be involved in the procedure. The committee will hear all parties involved in the complaint. In any case, it will give the complainant and the accused the opportunity to be heard.
- b. The parties involved are heard in each other's presence, unless there are compelling reasons to hear them separately. In that case, each of them will be informed of what has been brought out during his or her presence.
- c. A written report will be made of the hearing, in which a business statement is given of what has been said.
- d. The committee can make sound recordings of the hearing. These are intended only as an aid in preparing the report. After the board has given its final opinion, the recordings are destroyed. Except for the committee, no one is allowed to make sound recordings during a hearing.
- e. During the hearing, the complainant and the defendant can be assisted, but not represented.
- f. The committee can hear witnesses and experts or request experts for a written expert report.
- g. All relevant information that the committee collects will be made available to all parties involved with a view to fair treatment, unless the committee sees reasons for deviating from this rule for serious reasons. The reasons for not making certain information available are set out in the advice.
- h. The hearings and other hearings of the committee are not public.
- i. Within ten weeks after receipt of the complaint, the committee will issue a report of findings to the board and advice on the merits of the complaint. In doing so, it uses the weighting criteria set out in section 5.2 under C of the Code of Conduct. The ten-week period can be extended by the committee by four weeks. All parties involved will be notified of the extension in writing. Further extension is possible if the parties involved agree in writing.

4.7 Accountability

The committee is accountable for its activities afterwards to the board in an annual report for the annual report of the institution. The report reports in general terms on the cases dealt with and the activities performed. The report must not be traceable to individuals. The members of the committee and any experts consulted are otherwise required to maintain secrecy regarding what has become known to them in that capacity. This can only be deviated from with the express permission of the complainant and the accused.

Section 5 Follow-up procedure

- 5.1 The board will draw up its initial opinion as soon as possible, but in any case within four weeks of receipt of the committee's advice. It will immediately inform the complainant, the accused and any other interested parties of this in writing. The report of findings and the advice of the committee are sent along with the initial opinion.
- 5.2 The complainant, accused and any other interested parties can request the National Institute for Scientific Integrity (LOWI) to provide advice on this within six weeks of the date of the initial judgment.
- 5.3 If the advice of the LOWI has not been requested within the period referred to under 5.2, the Executive Board will determine its final opinion on the complaint.
- 5.4 If the advice of the LOWI has been requested, the board will include the advice of the LOWI in its final opinion.
- 5.5 The opinion of the Executive Board will be published in an anonymous form on the VSNU website with a report of the findings and the advice of the committee after the procedure has been completed.

Section 6 Protection of data subjects

The board of the institution ensures that the rights of the complainant and the accused are protected and that they do not suffer any unnecessary disadvantage in their career prospects or otherwise. The same applies to any other interested parties, witnesses, experts, confidential counselors or committee members.

Section 7 Final Provisions

This regulation takes effect on 1 April 2020 and replaces all previous complaints regulations in the field of academic integrity insofar as it concerns complaints that are brought up on or after this date.

This is a translation of the Dutch version of the regulation. In case of a conflict between the English and Dutch version of the regulation, the Dutch version will prevail and will be binding.

This scheme is published on the institution's website.