



University of Groningen Regulations for the Protection of Academic Integrity

Preamble

All those involved in academic teaching and research at the University of Groningen are personally responsible for preventing and drawing attention to academic misconduct. The generally accepted standards for the execution of professional academic research must be met at all times.

The Dutch Code of Conduct for Academic Practice (VSNU 2005, adapted in 2012) expands on the provisions for conducting professional academic research. This Code is supported by the University of Groningen and acts as the guidelines for the University in line with the provisions of Article 1.7 of the Higher Education and Research Act (WHW).

One instrument to test academic integrity is the right of complaint regarding violations or suspected violations of academic integrity.

To implement this right of complaint the Board of the University has adopted the Regulations set out below, which also include a regulation for the investigation of suspected violations of academic integrity at the request of the Board of the University.

Violating academic integrity: An act or omission that contradicts the Dutch Code of Conduct for Academic Practice, including in all cases the actions included in Appendix 1.

Definitions

Complaint: A report of a violation or suspected violation of academic integrity committed by a member of staff or a researcher associated with the University.

Complainant: A person who presents a complaint to the committee, either via the Board of the University or the confidential advisor.

Accused person: The member of staff concerning whose behaviour a complaint has been submitted.

Staff member: A person who has or had an employment contract at the University, or who is or was working under the responsibility of the University.

Confidential advisor: A person who has been appointed as the confidential advisor for academic integrity by the Board of the University.

Academic Integrity Committee (CWI): A committee appointed by the Board of the University to deal with complaints concerning violations of academic integrity.

Article 1. Academic Integrity Committee (CWI)

The Academic Integrity Committee (Commissie Wetenschappelijke Integriteit = CWI) is authorized to handle complaints about suspected violations of academic integrity. The complaints procedure is set out in Articles 2 to 16 of the present Regulations. The Committee will also investigate suspected violations of academic integrity at the request of the Board of the University. This is governed by Articles 17 and 18 of the present Regulations.

Article 2. Right of complaint

1. Everyone has the right to submit a complaint to the CWI concerning suspected violation of academic integrity, either via the Board of the University or via the confidential advisor.
2. The complaint referred to in Article 2.1 must relate to a suspected violation of academic integrity perpetrated by an employee of the university or perpetrated in the course of research conducted at the University.
3. Everyone is required to cooperate with the confidential advisor and the CWI within the reasonable time period set and to answer any questions that may reasonably be put to them within the scope of their powers.

Article 3. Appointing the confidential advisor

1. The Board of the University will appoint one or more confidential advisors for a period of four years (after due consultation with the Deans). Members may then be reappointed for successive terms of four years.
2. The requirements for appointment are:
 - being a professor/professor emeritus with a great deal of experience in teaching and research, preferably at one or more Dutch universities
 - an irreproachable academic reputation
 - the ability to handle disputes and conflicts
3. The Board of the University of Groningen may terminate an appointment prematurely:
 - at the request of the confidential advisor
 - if the confidential advisor no longer satisfies the requirements for appointment
 - if the confidential advisor does not function adequately (after due consultation with the Deans)
4. Members of the Supervisory Board, the Board of the University and the Deans of the faculties may not be appointed confidential advisor.

Article 4. Duties of the confidential advisor

1. The confidential advisor will function as the point of contact for questions and complaints about academic integrity and will try to mediate where possible or otherwise resolve the dispute amicably.
2. If no solution within the meaning of Article 4.1 can be found, the confidential advisor will inform the complainant of how to submit a complaint to the CWI.
3. The confidential advisor will report on his/her activities to the Board of the University in an annual report compiled for the Annual Report of the University.
4. The confidential advisor must keep confidential all information that he/she acquires in that position.

Article 5. Composition of the CWI

1. The CWI will consist of a Chair-member and two members.
2. Every member will have one or more deputies. If a member is absent or is directly or indirectly involved in the complaint to be assessed, the deputy member will take his or her place.
3. After receiving recommendations from the Committee of Deans, the Board of the University will appoint the members and deputy members for a term of three years. Members may then be reappointed for successive terms of three years.
4. When appointing members, the Board of the University will aim to achieve a balanced representation of the University's academic areas. Preferably, one of the members will be a lawyer.
5. When investigating a complaint, the CWI may be temporarily expanded with experts from inside and outside the University of Groningen.
6. The requirements for appointment are:
 - a) experience in academic research, preferably gained at one or more Dutch universities
 - b) familiarity with the University's governance structure
 - c) demonstrable academic merit, conscientiousness and discretion

- d) the ability to handle disputes and conflicts effectively.
- 7. Members of the Board of the University, members of the Supervisory Board, the confidential advisor, the Deans of the faculties and the directors of the teaching and research institutes of the University may not be appointed.
- 8. Dismissal before the end of the fixed term is possible:
 - a. at the member's own request
 - b. because of unsatisfactory performance as a member or deputy member of the Academic Integrity Committee
 - c. because of an appointment to one of the positions referred to in Art. 5.7
- 9. The CWI will be assisted by a secretary from the Department of Administrative and Legal Affairs.

Article 6. Responsibilities of the CWI

- 1. The CWI will take cognizance of the complaints referred to in Article 1.
- 2. The CWI will make recommendations to the Board of the University regarding the admissibility of complaints.
- 3. The CWI will make recommendations to the Board of the University concerning the validity of the complaints it has handled and any disciplinary measures that should be taken.
- 4. The CWI will arrive at its opinion independently.
- 5. The CWI will submit an annual report of its work to the Board of the University.
- 6. The members and deputy members of the CWI, the secretary and the Deans will have a duty of confidentiality regarding what they have learned during the complaints procedure.

Article 7. Powers of the CWI

- 1. The CWI will be authorized to ask all University staff and bodies for information. It may ask to see any documentation and correspondence it considers relevant to assessing the complaint.
- 2. The CWI may consult internal or external experts. A report will be drawn up of any such consultation.
- 3. The CWI will keep a file on every complaint it processes. No information in this file which was provided confidentially will be passed on without the consent of those involved.
- 4. In so far as the methods of the CWI are not included in these or other regulations, they will be determined by the Chair.

Article 8. Admissibility requirements

- 1. The CWI will handle complaints which meet the following requirements:
 - a. the complaint has been lodged in writing
 - b. the notice of complaint is signed and contains at least:
 - 1. the name and address of the person lodging the complaint
 - 2. the date
 - 3. a clear account of the suspected violation of academic integrity.
- 2. If the notice of complaint is written in a foreign language and a translation is needed for the complaint to be handled properly, the person lodging the complaint must provide a translation.

Article 9. Handling the complaint

- 1. The CWI will confirm receipt of the complaint in writing and will notify the Board of the University, the accused person and the Dean of the Faculty where the accused person works/worked that the complaint has been lodged.
- 2. If one of the conditions for handling a complaint within the meaning of Article 8 is not satisfied, the Board of the University, after receiving advice from the CWI, will declare the complaint inadmissible, on condition that the complainant is given the opportunity to remedy the deficiency within a certain period of time.

3. After receiving the CWI's recommendations the Board of the University may decide that the complaint will not be handled if:
 - a. it is related to an act about which a complaint has previously been lodged and that complaint has already been handled
 - b. it is related to an act which took place more than five years before the complaint was lodged
 - c. the violation is manifestly not sufficiently grave.
4. The CWI will notify the person lodging the complaint as soon as possible, but at the very latest four weeks after receiving the complaint, whether or not the complaint will be handled. The accused person and the Dean of the Faculty where that person works will also be notified.
5. If the complaint relates to a member of the Board of the University, the Supervisory Board will take the decisions referred to in Articles 9.2 and 9.3 instead of the Board of the University.
6. If the CWI decides to handle the complaint, a copy of the notice of complaint and of any documents accompanying it will be sent to the accused person.

Article 10. Withdrawal of the complaint

1. The complaint can be withdrawn at any time.
2. If the complaint is withdrawn, the CWI's handling of the complaint will cease immediately. The Committee will notify the accused person, the Board of the University and the Dean of the Faculty where the accused works/worked of this in writing.

Article 11. Concessions

As soon as the accused person has resolved the complaint to the satisfaction of the complainant, the Academic Integrity Committee's handling of the complaint will stop immediately. The Committee will notify the complainant, the accused person, the Board of the University and the Dean of the Faculty where the accused person works of this in writing.

Article 12. Obligation to hear the parties

1. The CWI will hear the parties involved in the complaint. The CWI will at least give the complainant and the accused person an opportunity to be heard.
2. The hearing need not be held if the complaint is clearly unfounded, or if the complainant has refused the opportunity to be heard.
3. The involved parties will be heard together, unless there are compelling reasons to hear them separately.
4. The meetings of the CWI are not public.
5. A report of the hearing will be drawn up.

Article 13. Reporting to the Board of the University

1. Within twelve weeks of receiving the notice of complaint the CWI will submit a report of its considerations regarding a complaint it has accepted for handling to the Board of the University.
2. In this report the CWI will give its opinion regarding the validity of the complaint and make recommendations about any disciplinary measures which should be taken.

Article 14. Decisions of the Board of the University

1. The Board of the University will present its initial decision within four weeks of receipt of the CWI advice. The complainant and the accused person(s) will be informed immediately. The CWI report will be sent with the initial decision.
2. Before arriving at the ruling referred to in Article 14.1, the Board of the University may, within the time limit laid down in Article 14.1, ask the advice of the National Academic Integrity Committee (Landelijk Orgaan voor Wetenschappelijke Integriteit = LOWI).
3. If the advice of the LOWI has been requested, the time limit referred to in Article 14.1 will be extended until four weeks after the LOWI's advice has been received.
4. Both the complainant and the accused person(s) can, within six weeks of receipt of the decision of the Board of the University, request the LOWI to issue an advice on the initial decision by the Board of the University, in so far as this is relevant to the violation

of academic integrity. On request, the CWI will immediately send copies of all documents relating to the complaint to the LOWI.

5. If advice of the LOWI is not requested within the time limit stated in Article 14.4, the Board of the University will make its decision concerning the complaint definitive.
6. If the advice of the LOWI has been requested, the Board of the University will consider the LOWI's views before making its final decision. Within four weeks of receiving recommendations from the LOWI the Board of the University will decide whether to proceed to a new handling of the complaint or to give its final ruling on the complaint and the disciplinary measures to be imposed as a result. It will notify the complainant, the accused person, and the Dean of the Faculty where the accused person works/worked of this in writing.
7. If the complaint relates to a member of the Board of the University, the Supervisory Board will take the decisions referred to in Article 14.1 instead of the Board of the University.

Article 15. Protection of those involved

Submitting a complaint within the provisions of these regulations may not lead to any negative consequences for the complainant, either directly or indirectly, unless the complainant has not acted in good faith. The same applies to witnesses, experts, the confidential advisors and the members of the committee.

Article 16. Unforeseen circumstances

For situations which this regulation has not foreseen, the Board of the University shall decide.

Investigation at the request of the Board of the University

Article 17. Request from the Board of the University

The Board of the University may ask the CWI to carry out further investigation into a suspected violation of academic integrity.

Article 18. Applicable articles

If the CWI investigates a suspected violation of academic integrity at the request of the Board of the University, the following articles of the present Regulations will apply mutatis mutandis:

1. Articles 2.2 and 2.3
2. Article 5
3. Articles 6.3 to 6.6
4. Article 7
5. Article 9.6
6. Article 12
7. Article 13
8. Articles 14.1 to 14.6

Transitional and final provisions

Article 19. Date of commencement

These Regulations were adopted on 19 November 2012 and will come into force on 1 December 2012.

Once these Regulations come into force, the Regulations for the Protection of Academic Integrity adopted in February 2010 will lapse. Complaints submitted before the present Regulations come into force will be handled according to the regulations which applied when they were submitted.

Article 20. Citation and publication

These Regulations may be referred to as 'Regulations for the Protection of Academic Integrity'.

These Regulations will be sent to the Faculty Boards and the Directors of the Research Schools and Institutes for their information, and will be published on the University of Groningen website.

The advice of the CWI and the decision by the Board of the University relating to complaints whose contents have been investigated by the CWI will be published anonymously on the VSNU website.

Groningen, 19 November 2012.

The Board of the University.

Appendix to the Regulations for the Protection of Academic Integrity

Violating academic integrity

In the academic community, there is general agreement on how an academic should behave and which behaviour should be condemned as violating academic integrity. In the Netherlands, this agreement can be found in the KNAW memo on Academic Integrity from 2001, and the VSNU Code of Conduct for Academic Practice from 2004. The most relevant of the many international texts is the ALLEA European Code of Conduct for Research Integrity from 2011.

Mistakes are made everywhere, and there are many types and levels of misbehaviour. The academic world can only function properly if all the requirements of care, reliability, honesty, impartiality, responsibility and respect are honoured. Academic misbehaviour shames the truth, other academics and society as a whole. The person primarily responsible for preventing misbehaviour, and where necessary punishing, is the employer of the researcher, the university or the research institute.

Regarding the behaviour types listed below, the universities hereby declare that they categorically reject them, are actively fighting them, and if necessary will punish offenders with all the sanctions at their disposal. Violations of academic integrity include the following:

1. *Invention*

The entering of fictitious data. The fabrication or invention of data that is presented as the true results of research. This touches on the heart of academic research and teaching – establishing the truth.

2. *Falsification*

Falsifying data and/or secretly rejecting research results. Data that the researcher is not happy about may never be adapted to the expectations or the theoretical results. Omitting data may only occur on the basis of justifiably good grounds.

3. *Plagiarism of publications or parts thereof, or the results of others*

The academic world can only function with the honest recognition of the intellectual property rights of everyone's contribution to knowledge. This applies to the entire range, from student essays and theses to academic publications and dissertations. This covers not only direct copying, but also paraphrasing, leaving out notes or sources, secretly using data, designs or tables gathered or created by others. Copyright offers victims the possibility of redress via the courts, but even when there is no immediate victim (or not anymore), a researcher can be accused of plagiarism.

4. *Deliberately ignoring and not recognizing the contributions of other authors*

This is a form of misbehaviour related to plagiarism. Deliberate and significant violations that cannot be resolved by the academic community itself should be presented to the Academic Integrity Committee for an independent decision.

5. *Unfairly presenting yourself as author or co-author*

A researcher may only be listed as co-author in a publication if he or she has made a clear contribution in the form of ideas and expertise, research or theory-building. A researcher who links his or her name to a publication has as far as possible ensured the accuracy and integrity of the contents.

6. *Deliberately misusing statistical and other methods and/or deliberately misinterpreting results*

The interpretation (statistical or other) of research data and of empirical results is part of the academic discourse, and this also applies to the question of whether the interpretation is correct or incorrect. This can only be marked as misconduct if the incorrect presentation of matters and the presentation of unfounded conclusions is persevered in even after the academic community has come to a unanimous decision. If necessary, the CWI can come to such a decision with external peers.

7. *Being culpably careless when conducting research*

Misbehaviour is only at issue when the researcher goes further than mistakes and carelessness and does not adapt his or her actions after serious and well-grounded criticism. A CWI can order an investigation to see if this is at issue.

8. *Permitting and concealing the misconduct of colleagues*

A researcher or manager has a duty of care towards the academic world as a whole, and in particular towards the researchers in his or her direct environment. It must be recognized that the authority relationships in academia, for example between a supervisor and a PhD candidate, do not make it easy to complain about colleagues.