

University of Twente Scientific Integrity Complaints Procedure¹

Preamble

Within the University of Twente all persons involved in education and research have a personal responsibility to maintain scientific integrity. For that purpose the general principles of professional scientific activity should be observed at all times.

The Netherlands Code of Conduct for Academic Practice (VSNU 2004, amended in 2012 and in 2014) provides an elaboration of these principles, to which the University of Twente also subscribes, and which act as guidelines for the university as defined in article 1.7 of the Dutch Higher Education and Scientific Research Act (WHW).

One of the means for testing scientific integrity is the right to complain if (the suspicion arises that) university employees are violating scientific integrity.

In order to effectuate this right of complaint, the Executive Board has approved the following procedures, which are based on section 9 of the Dutch General Administrative Law Act.

Art. 1 Definitions

Violation of scientific integrity: Acting or failing to act in a way that violates the Netherlands Code of Conduct for Academic Practice including, in any case, activities listed in appendix 1.

Complaint: A report about (the suspicion of) a violation of scientific integrity by an employee

Complainant: A person who approaches the committee with a complaint, whether or not via the Executive Board or a confidential advisor

Accused: The employee about whose behaviour a complaint has been submitted

Employee: A person who, conform the CAO-NU is (or was) employed by the university or who works (or) has worked under the responsibility of the university

Confidential advisors: persons appointed by the Executive Board as confidential advisors

Committee: the committee appointed by the Executive Board to deal with complaints relating to the violation of scientific integrity.

LOWI: National Board for Research Integrity

University: University of Twente

¹ This document is a translation of the original version in the Dutch language. In the case of conflicting interpretations regarding these regulations, only the original Dutch version is considered as the legally binding text.

Art. 2 General aspects

1. Anyone has the right to submit a complaint to the committee, via either the Executive Board or the confidential advisor for the complainant.
2. If the complaint relates to a member of the Executive Board then the complaint can be submitted to the committee, via either the Supervisory Board or the confidential advisor for the complainant. In that case the committee issues advice to the Supervisory Board which then exercises the competences mentioned in article 5.
3. All persons are obliged to grant, within a reasonable period of time, the confidential advisors or the committee all cooperation which they can reasonably demand in exercising their competences.
4. Everyone involved in dealing with a complaint is bound to secrecy regarding the information that he/she gets to know during the complaints procedure.
5. The complainant has the right to withdraw the complaint up until the moment at which the Executive Board has determined its initial opinion.

Art. 3 Confidential advisors

a. Appointment

1. The Executive Board appoints one or more confidential advisors, of which at least one is for the complainant and at least one for the accused, for a period of four years (after consulting the deans). Reappointment is possible for a consecutive period of four years.
2. Appointment requirements:
 - a. (emeritus) professor with extensive experience in research and education, preferably obtained at one or more Dutch universities;
 - b. has earned an impeccable scientific reputation;
 - c. can cope with contradictions and conflicts;
 - d. not eligible for appointment are members of the Supervisory Board, members of the Executive Board, deans of faculties (as mentioned in art. 9.12 WHW) and scientific directors.
3. The Executive Board can terminate an appointment prematurely
 - a. at the request of the confidential advisor concerned;
 - b. due to the fact that someone no longer fulfils the requirement for appointment;
 - c. due to lack of proper functioning as a confidential advisor (after consulting the deans).

b. Task confidential advisor for the complainant

- acts as a low-threshold point of contact for questions and complaints about scientific integrity
- to mediate where opportunities are discerned, or alternatively solve the complaint amicably
- informs a complainant about procedures for submitting a complaint to the committee.

c. Task confidential advisor for the accused

- acts as a low-threshold point of contact for those who have been accused of violating the scientific integrity
- offers the accused support and advice during the whole procedure
- is the first point of contact for the accused with regards to post complaint matters

d. Accountability

The confidential advisors report annually on their activities to the Executive Board for the purpose of the university's annual report.

The confidential advisors are bound to secrecy regarding all that is disclosed to them in their capacity.

Art. 4 Scientific Integrity Committee

a. Appointment and composition

1. The Executive Board appoints a Scientific Integrity Committee.
2. The committee is formed by the chair and a minimum of two other members. There are also at least two deputy members appointed.
3. The chair and members are appointed by the Executive Board.
4. That which is stipulated under 3.a applies by analogy, it being understood that a confidential advisor is not eligible for appointment as chair or committee member.
5. In the appointment process the aspiration is to achieve a well-balanced representation of the university's scientific fields. Preferably, one committee member will be a legal expert.
6. The committee receives administrative support.

b. Task

1. Scientific integrity committee investigates complaints about (the suspicion of) a violation of the scientific integrity and issues advice to the Executive Board in relation thereto.
2. The scientific integrity committee provides the Executive Board with solicited and unsolicited advice regarding all aspects of scientific integrity.

c. Competences

- The committee is entitled to obtain information from all university employees and organisations. It can request access to all documents and correspondence that it deems relevant for assessing a complaint.
- The committee can consult experts, who may or may not be affiliated with the university. A report will be drawn up of such consultations. This report will be made available to both the complainant as well as the accused. The proposed advice of the scientific integrity committee will reflect how the judgement of the experts has been taken into account.

d. Procedures

1. Complaints are dealt with by the chair of the committee and two other (deputy) members.
2. Committee members who have any dealings with persons or circumstances involved in the complaint are not eligible for dealing with a complaint.
3. The committee assesses the admissibility of the complaint based in part on the following criteria:
 - a. a clear description of the (suspected) violation of scientific integrity by one or more specific employees of the University of Twente;
 - b. written documents relating thereto, or any other evidence;
 - c. a statement of the complainant's name, function and contact details.
 - d. at the request of the Executive Board, the committee can investigate a complaint without knowing the complainant's identity. In this case the Executive Board should know the identity of the complainant.
4. The committee is entitled, where it sees fit, to refuse to deal with a complaint if
 - a. more than five years have passed since the violation has been committed, and due to the time that has passed an investigation is reasonably no longer possible and/or in the opinion of the committee there is no longer interest to start an investigation, or

- b. the complaint has already been examined, or
 - c. the complaint is evidently unfounded in the opinion of the committee, has been declared of insufficient significance, or concerns a matter of penal, administrative or civil law.
5. If the committee does not deal with a complaint, it informs the Executive Board immediately about this.
6. The committee can give a complainant the opportunity to supplement the complaint within a period of time stipulated by the committee.
7. The committee assesses the admissibility of a complaint within three weeks. If the committee concludes that a complaint is inadmissible, it advises the Executive Board immediately on this matter.
8. Once the committee deems a complaint admissible, it starts with the substantial assessment (see appendix I):
 - a. The committee holds a hearing with all parties that deem relevant for the assessment of the complaint. A report of this hearing is drawn up.
 - b. The complainant and the accused party are allowed assistance during the hearing up to a maximum of two persons each.
 - c. The hearing of the parties involved takes place in the presence of one another, unless there are compelling reasons for hearing them separately. In that case, each of them is informed about what was discussed during the hearing held in their absence.
 - d. The committee can hear witnesses and experts. A report is drawn up of these hearings.
 - e. The committee notifies the complainant and the accused of its proposed advice and gives them the opportunity to respond to factual errors within the period of a ten working days.
9. The committee issues advice to the Executive Board whether the complaint is justified within twelve weeks after receiving the complaint. This period may be extended multiple times by the committee by a maximum of twelve weeks each time. The complainant and the accused will be informed of this extension.
10. Sessions of the committee are not public.

e. Accountability

1. The committee is accountable towards the Executive Board to report annually about its activities for the purpose of the university's annual report.
2. Members of the committee and any experts consulted are bound to secrecy regarding all that is disclosed to them in their capacity.

Art. 5 Follow-up procedures

1. The Executive Board lays down an initial opinion within four weeks after receiving the committee's advice. The Executive Board informs the complainant and the accused party of their initial opinion in writing. The committee's advice is sent together with the initial opinion.
2. Within six weeks after receiving the Executive Board's notification, the complainant and the accused are entitled to request the National Body for Academic Integrity (LOWI) to give advice about the Executive Board's initial opinion. If requested, the committee immediately sends copies of all documents relating to the complaint to the LOWI.
3. If the advice of the LOWI is not requested within the period stipulated under 2, the Executive Board lays down its final opinion on the complaint.
4. If advice has been requested from the LOWI, the Executive Board makes use of the LOWI's opinion in its final decision.

Art. 6 Protection of those involved

Submitting a complaint according to these regulations cannot result in any disadvantage to the complainant, directly or indirectly, unless the complainant did not act in good faith. The same applies to witnesses, experts, confidential advisors and committee members.

Art. 7 Unanticipated cases

The Executive Board shall decide in cases not covered by these procedures. If the complaint concerns a member of the Executive Board, the Supervisory Board shall decide on the matter.

Art. 8 Final provisions

These regulations come into force on 29 August 2016. They replace all previous complaint regulations of the University of Twente in the field of scientific integrity.

These procedures will be published on the website of the University of Twente.

Advice of the committee and opinions of the Executive Board relating to complaints investigated by the committee since 2010 will, upon completion, be published anonymously on the website of the VSNU.

Appendix I of the University of Twente Scientific Integrity Complaints Procedure

Violations of scientific integrity

There is general agreement within the scientific community regarding how scientist should behave and the type of conduct that should be rejected as a violation of scientific integrity. In the Netherlands, this agreement is expressed in the 2001 memorandum of the Royal Netherlands Academy of Arts and Sciences (KNAW) on Scientific Integrity and the 2004 (amended in 2012 and in 2014) VSNU Code of Conduct for Scientific Practice. Of the many international texts available, the ALLEA European Code of Conduct for Research Integrity dating from 2011 is authoritative in this matter.

Mistakes can be made everywhere and misconduct comes in many shapes and sizes. Science can only function properly if all the requirements of accuracy, reliability, honesty, impartiality, responsibility and respect are met. Academic misconduct damages truth, other scientist and society itself. Primary responsibility for combatting misconduct and if necessary punishing the responsible parties rests with the employer of the scientist, the university or the research institute.

With respect to the types of conduct listed below, the universities declare that they categorically reject and actively combat such conduct and, if necessary, punish these with sanctions at their disposal. Violations of scientific integrity include in any case the following:

1. *Invention including fictitious data.* Fabricating or inventing data which are then presented as actual findings of research activities. This touches on the very heart of scientific inquiry – the search for truth.
2. *Falsification:* falsifying data and/or clandestine removal of research results obtained. Data that are unwelcome for the researcher may never be adjusted to expectations or theoretical conclusions. Data may only be omitted if there are well-founded reasons for doing so.
3. *Plagiarism of publications, or parts of publications, and results by third parties.* Science can only work on the basis of an honest recognition of the intellectual property of every individual's own contribution to knowledge. This holds for the whole range of academic work, from student essays and theses to academic publications and dissertations. Plagiarism is not limited to literal copying; it also includes paraphrasing, failing to include notes or references, the covert use of data, designs or tables gathered or created by other parties. Copyright laws offer victims of plagiarism the opportunity to seek redress in a court of law, but even if there is no (longer a) direct victim, the researcher can still be sued for plagiarism.
4. *Intentionally ignoring and failing to recognise contributions by other authors* is a form of misconduct that is related to plagiarism. Deliberate and gross violations that cannot be resolved within the academic community itself have to be judged independently by the scientific integrity committee.
5. *Unjustly claiming authorship or co-authorship.* A researcher may only claim to be a co-author in a publication if he has made an identifiable contribution in the form of ideas and expertise, or by carrying out research or formulating a theory. A researcher who attaches his name to a publication must be convinced of the correctness and integrity of the contents.
6. *Intentionally misusing (statistical) methods and/or intentionally misinterpreting results.* The (statistical) interpretation of research data and empirical results is part of the academic discourse, as is the issue of the correctness of this interpretation. This can only be considered to

be misconduct if the researcher perseveres in wrongly representing the situation and in presenting unauthorised conclusions, and if the academic community has reached a unanimous decision regarding this matter. If required, the scientific integrity committee can reach such a decision in consultation with external peers.

7. *Imputable negligence in carrying out research.* This only qualifies as misconduct if the researcher is guilty of more than the occasional error or carelessness and if he fails to correct his approach after severe and reasoned criticism. The scientific integrity committee can investigate whether this is the case.
8. *Condoning and concealing misconduct by colleagues.* A researcher or administrator has a duty of care towards academia as a whole and also towards the researchers in his immediate environment in particular. It should be recognised that relationships of authority in academia, for example between PhD candidates and their supervisors, do not make it easy to submit a complaint against colleagues.