

Scientific Integrity Complaints Procedure

University of Twente

Established by Executive Board on 11 December 2023.

Preamble

This regulation concerns the handling of complaints regarding scientific integrity. Anyone considering filing a complaint is advised to first speak to a confidential advisor.

At the University of Twente (UT), everyone involved in education and research bears their own responsibility for maintaining scientific integrity. To this end, the general principles of professional academic action must be observed at all times.

The Netherlands Code of Conduct for Research Integrity 2018 sets out the guiding principles of proper and ethical scientific practice and the resulting standards for good research practices, which are also endorsed by the UT and which apply as guidelines for the university as referred to in Article 1.7 of the Higher Education and Research Act.

One of the means of testing scientific integrity is the right to file a complaint if (there is a suspicion that) university staff are violating scientific integrity. The UT will ensure that a careful and fair procedure for handling complaints and the subsequent decision-making is in place.

To realise this right of complaint, the Executive Board has established the following regulations, which are based on Chapter 9 of the General Administrative Law Act.

These regulations will be applied by analogy insofar as possible to any investigation into a possible breach of research integrity that is conducted at the request of the Board of the institution without a complaint having been submitted.

This regulation describes a formal complaints procedure with an administrative final conclusion. Prior to commencing a formal complaints procedure, the UT will encourage the handling of cases in an intercollegiate setting – while of course respecting the right to actually submit a complaint. A personal approach is pursued.

The primary purpose of following a complaints procedure as referred to in this regulation is to learn lessons for all parties involved. A complaint submitted does not necessarily mean a violation, violations occur in various degrees and not every violation justifies the imposition of sanctions. The defendant is presumed innocent until proven otherwise.

As a point of departure, now UT relies on the scientifically sound behaviour of its employees.

These regulations are structured as follows:

- Article 1: Definitions
- Article 2: General provisions (2.1– 2.12)
- Article 3: Confidential advisors (3.1– 3.4)
- Article 4: Scientific Integrity Committee (4.1– 4.3)
- Article 5: Handling of complaints by the Committee (5.1– 5.6)
- Article 6: Procedure following the advice (6.1– 6.5)
- Article 7: Protection of persons (7.1– 7.2)
- Article 8: Accountability (8.1)
- Article 9: Final provisions (9.1– 9.3)

Article 1 Definitions

- 1.1 **Code of Conduct:** Netherlands Code of Conduct for Research Integrity.
- 1.2 **Violation of scientific integrity:** acting or failure to act that results in a violation of research integrity as referred to in sub-section 5.2 under (a) 1, 2, or 3 of the Code of Conduct.
- 1.3 **Complaint:** a written report about (a suspicion of) a failure on an employee's part to comply with the standards set out in chapter 3 of the Code of Conduct.
- 1.4 **Complaint handling:** any communication with a confidential advisor about a (possible/expected/intended) complaint within the meaning of these regulations, as well as the procedure following a complaint submitted for handling by the Committee from the moment of submission until the moment the procedure ends by a final decision of the Executive Board pursuant to Article 5.3g, 6.3 or 6.4 of these regulations.
- 1.5 **Complainant:** the person, being a natural person or legal entity, who submits a complaint to the Committee, whether or not via the Executive Board or the confidential advisor.
- 1.6 **Defendant:** the employee whose conduct is referred to in the complaint submitted or whose conduct is being investigated by the Committee at the request of the Executive Board.
- 1.7 **Employee:** anyone who has (had) an employment contract with the university or who is (or has been) employed in another way under the responsibility of the university. This also includes natural persons who are not affiliated with the institute or who are only associated with the institute on a part-time basis, insofar as they participate in the institute's research or publish their research under the name or responsibility of the institute. Exceptions are those who are only involved in the research in a supporting role.
- 1.8 **Confidential advisors:** those who have been appointed as confidential advisor for scientific integrity by the Executive Board.
- 1.9 **Executive Board:** the Executive Board of the University of Twente.
- 1.10 **Committee:** the scientific integrity Committee (CWI), set up by the Executive Board to handle complaints about violations of scientific integrity.
- 1.11 **Handling Committee:** the members of the Committee who handle the complaint together, as described in Article 5.2 of these regulations.
- 1.12 **LOWI:** the Netherlands Board on Research Integrity, established by the Royal Netherlands Academy of Arts and Sciences (KNAW), the Dutch Research Council (now OCW) and the Association of Universities in the Netherlands (VSNU).
- 1.13 **Preliminary decision:** the intended decision with findings of the Executive Board as described in Article 6.1, with referral to Article 5.3 under g, based on the advice of the Committee. Parties involved may request a recommendation from the LOWI concerning this preliminary decision.
- 1.14 **Final decision:** the definitive decision with findings of the Executive Board as described in Article 6.3 and 6.4, based on the advice of the Committee and, if requested and issued, the LOWI's advice.
- 1.15 **University:** University of Twente (UT).
- 1.16 **Supervisory Board:** the Supervisory Board of the UT.

Article 2 General provisions

- 2.1 Anyone, being a natural person or legal entity, has the right to consult the confidential advisor and to submit a complaint to the Committee. Complaints are submitted directly to the Committee or via the Executive Board or the confidential advisor on behalf of the complainant.
- 2.2 Anyone considering filing a complaint is advised to first speak to a confidential advisor.
- 2.3 A complaint can only be submitted about an alleged violation of scientific integrity. The complaint must sufficiently substantiate why the complainant suspects that there has been a failure to comply with the standards laid down in chapter 3 of the Code of Conduct.

- 2.4 The Executive Board can also submit a justified request to the Committee to commence or continue an investigation into a suspected failure to comply with the standards laid down in chapter 3 of the Code of Conduct, based on its own suspicions or on information it has received, without a complaint being filed. In such cases, this procedure will be applied by analogy to the furthest possible extent.
- 2.5 An anonymous complaint will only be handled if the Committee sees reason to do so because it is of the opinion that:
- a. compelling public interests or compelling interests of the institute, the complainant or the defendant require this and
 - b. the investigation into the facts can take place without input from the complainant.
- 2.6 If the complaint pertains to a member of the Executive Board, the Supervisory Board will assume the role and exercise the powers assigned to the Executive Board in these regulations.
- 2.7 If the complaint relates to someone who is or has been an employee of several institutes that have subscribed to the Code of Conduct and the complaint could therefore be investigated at several institutes, joint complaint handling can take place or the institutes involved make other arrangements about how to handle the complaint. In that case, a decision about how to handle the complaint will be made by the Executive Board.
- 2.8 Everyone is obliged to render the confidential advisors or the Committee all the cooperation they can reasonably request when exercising their powers within the reasonable period of time given.
- 2.9 The complainant has the right to withdraw the complaint until the Executive Board determines its preliminary decision, as referred to in Article 6.1.
- 2.10 A complaint as referred to in Article 2.1 may be submitted in the English or Dutch language, which is at the discretion of the complainant. The handling of the complaint with and between the complainant and the defendant, advice by the Committee and final decision by the Executive Board takes place in the English language, unless neither the complainant nor the defendant have a need for this, in which case the Dutch language is used.
- 2.11 Everyone involved in the handling of a complaint is obliged to maintain confidentiality about the content of the complaint and about the information that has become known in connection with the complaint or the complaint handling procedure. The provisions listed in the below a.-e. apply to this confidentiality.
- a. The members and the secretariat of the Committee are required to treat as confidential any information to which they gain access in the performance of their duties for which they know (or could reasonably be expected to know) that a duty of confidentiality applies. The duty of confidentiality referred to in the previous sentence also applies to experts and other third parties who are involved in processing the complaint. Exceptions are possible only with the express permission of both complainant and defendant.
 - b. Parties or others involved will in any case maintain confidentiality from the time the complaint is submitted until the final decision of the Executive Board is made public. This confidentiality will apply to the complaint, the Committee's advice, the preliminary decision of the Board, any documentation exchanged via the LOWI and any other documents that may be shared. This duty of confidentiality will remain in effect after the complaints handling procedure has ended, with the exception of the anonymised presentation of the advice of the Committee, the final decision of the Executive Board and (if applicable) the LOWI's advice in annual reports or on the website of the Committee or the university, as well as of the Association of Universities in the Netherlands (UNL). Exceptions are possible only with the express permission of both complainant and defendant.
 - c. If the duty of confidentiality is violated, the Committee or the Executive Board may draw such conclusions as it deems appropriate. A breach of confidentiality on the complainant's part may be considered grounds for dismissal of their complaint.

- d. The duty of confidentiality referred to in this section does not apply to confidential information that:
 - I. was already publicly accessible at the time it was obtained;
 - II. has since become publicly accessible through no action or negligence of the parties themselves;
 - III. was obtained from third parties who are entitled to publish or distribute the information;
 - IV. may be released with the written permission of the relevant parties; and/or
 - V. a party is required to disclose by or under any provision of law, by virtue of a final judgement of the competent governmental court or an otherwise binding and final decision of any governing body (other than the institution concerned). In such instances, only that portion of the confidential information will be disclosed that is described in the relevant provision or decision, and then only to the bodies, authorities and persons or legal entities named therein.
- e. Furthermore, the duty of confidentiality referred to in this section does not apply in the event that:
 - I. the situation concerns an exchange within the context of the legal relationship between a party and their employer under employment law;
 - II. the disclosure is made in the interest of protecting a legitimately compelling public interest.

2.12 Without prejudice to the provisions of Article 5.2, under a, alleged conflicts of interest of a member, chair or vice-chair of the Committee or a confidential advisor can be reported to the Executive Board. The Executive Board informs the Committee/confidential advisor of the report and gives the Committee/confidential advisor the opportunity to respond to the report.

Article 3 Confidential advisors

3.1 Appointment

- a. The Executive Board appoints multiple confidential advisors, of which at least one acts on behalf of the complainant and at least one on behalf of the defendant, for a period of four years (after hearing the deans). Reappointment for a consecutive period of four years is possible.
- b. Eligible for appointment as a confidential advisor are (emeritus/former) professors, associate professors or assistant professors, or other persons with similar experience, if they:
 - I. have extensive experience in research and education, preferably gained at one or more Dutch universities;
 - II. enjoy an impeccable academic reputation;
 - III. are able to deal well with contradictions and conflicts;
 - IV. do not hold an ancillary position that could stand in the way of functioning as a confidential advisor;
 - V. are not a member of the supervisory board or of the Executive Board, and do not hold the position of dean or vice-dean of a faculty or scientific director within the university and are not a member of the Committee.
- c. The Executive Board may prematurely terminate the appointment:
 - I. at the request of the confidential advisor;
 - II. for no longer meeting the eligibility requirements;
 - III. due to an unsatisfactory performance as a confidential advisor (after hearing the deans).

3.2 Confidential advisor's task on behalf of the complainant

The confidential advisor on behalf of the complainant:

- a. acts as an accessible point of contact for questions and complaints about scientific integrity;
- b. if he or she sees possibilities to do so, tries to mediate or otherwise amicably resolve the complaint;
- c. directs the complainant to submitting a complaint to the Committee;
- d. may not assist both the complainant and the defendant at the same time;
- e. only acts on behalf of the complainant with her or his consent.

3.3 Confidential advisor's task on behalf of the defendant

The confidential advisor on behalf of the defendant:

- a. acts as an accessible point of contact for people who have received a complaint about possible violations of scientific integrity;
- b. upon request, assists the defendant with support and advice throughout the complaint procedure;
- c. may not assist both the defendant and the complainant at the same time;
- d. is initially the point of contact for the defendant with regard to aftercare after the complaint has been settled;
- e. only acts on behalf of the defendant with her or his consent.

3.4 Accountability

After the academic year, the confidential advisors account for their work to the Executive Board in an annual report for the university's annual report. The annual reports of the confidential advisors are made available to the Committee. This report will contain a general account of the cases handled and the activities carried out. The report must contain no information that may be traced to individuals. The confidential advisors are obliged to maintain confidentiality with regard to all that has come to their attention or disclosed to them in that capacity. It is only possible to deviate from this with the explicit written permission of the complainant and the defendant.

Article 4 Scientific Integrity Committee

4.1 Appointment and composition

- a. The Executive Board appoints a scientific integrity Committee.
- b. The Committee consists of the chair, a vice-chair, and at least four other members.
- c. The chair, vice-chair and other members are appointed by the Executive Board.
- d. Eligible for appointment as (vice) chair or member of the Committee are (emeritus/former) professors, associate professors or assistant professors, or other persons with similar experience. The provisions of Article 3.1, paragraph b under I.-V. apply by analogy. A confidential advisor is not eligible for appointment as (vice-)chair or member of the Committee.
- e. When appointing members, efforts are made to achieve a balanced representation of the composition of the scientific groups of the university's scientific fields. Preferably, at least one of the members is a lawyer.
- f. For the purpose of investigating a specific complaint, the Committee may be temporarily expanded to include experts or ad hoc members, who may or may not be affiliated with the institution. These experts or ad hoc members are appointed by the Executive Board at the request of the Committee. Article 4.2, under d, applies to them by analogy. The choice to expand the Committee with experts or ad hoc members can be made at any time during the complaint handling period, up to the time of issuing the advice as referred to in Article 5.4 under k.
- g. The Committee is officially supported.

4.2 Task

- a. The Committee investigates complaints about (a suspected) violation of scientific integrity, investigates whether a violation of scientific integrity has occurred, and issues an advice to the Executive Board.
- b. At the request of the Executive Board, the Committee can also conduct an investigation and issue an advice without a complaint being submitted.
- c. The Committee issues solicited and unsolicited advice to or shares views (whether or not related to a complaint) with the Executive Board on all matters relating to scientific integrity.
- d. The Committee is expected to fulfil its duties independently and impartially.

4.3 Powers

- a. The Committee is authorised to obtain information from all employees and bodies of the university. It may request access to or demand copies of all documentation and correspondence it deems relevant for handling the complaint and may confiscate or have it sealed when it perceives such action to be necessary.
- b. The documentation referred to in the previous paragraph also includes the data of the research to which the complaint pertains.
- c. The Committee can consult experts or other third parties, whether or not affiliated with the university. A report of that consultation is subsequently drawn up. This report is made available to the complainant and the defendant. The complainant, the defendant and involved parties are informed about the identities of any experts or third parties consulted. In its intended advice, the Committee indicates to what extent the opinion of the experts played a role in its assessment.
- d. The Committee may invite a representative of the Board to attend any hearings and may ask that representative to provide information on the standards and guidelines in effect at the university.

Article 5 Handling of complaints by the Committee

5.1 Working practice

- a. The Committee may set out additional guidelines for its working method. In this working method, they may further elaborate these regulations by specifying details with regard to how the hearing is conducted, the involvement of experts and the establishment of the Handling Committee. The additional guidelines for its working method are not public, but will be stated on the Committee's website if and insofar as necessary.
- b. To the extent that the working method of the Committee is not laid down in these or further regulations, the method will be determined by the chair.

5.2 The Handling Committee

- a. Unless Article 2.7 applies, a complaint is handled by the chair of the Committee and two other members. The secretary of the Committee discusses the complaint received anonymously with the chair or vice-chair in order to determine the composition of the Handling Committee. All parties involved are informed about the composition of the Handling Committee with the possibility to object to the composition, within a period to be determined by the Committee.
- b. If necessary, the Committee is complemented by one or more experts or ad hoc members, in accordance with Article 4.1, under f..
- c. Members of the Committee, ad hoc members or experts who are in any way involved with the persons or facts to which the complaint pertains, or who have any other interest in the case, are not eligible to participate in handling a complaint.

5.3 Start of the procedure

- a. The Committee will immediately inform the Executive Board of the receipt of a complaint. After receiving the complaint, the secretary to the Committee will inform the complainant and the defendant within two weeks in writing that it has received the complaint and it will inform the complainant and the defendant about the procedure to be followed and the content of the complaint. The secretary of the Committee informs the confidential advisors and the dean of the faculty where the complainant and/or accused is employed of the receipt of the complaint.
- b. The Committee determines whether it can handle a complaint on the basis of the following requirements:
 - I. the complaint contains a clear description of the alleged violation of scientific integrity by one or more specific employees of the university;
 - II. the complaint contains the related written documents or other means of evidence;
 - III. the complaint is dated and states the name, position and contact details of the complainant. This requirement does not apply if Article 2.5 applies.
- c. If the complaint is incomplete, the Committee offers the complainant the opportunity to supplement the complaint within a period set by it. The term referred to under f will then be extended by the term referred to in the previous sentence or the term within which the supplement is provided.
- d. The Committee is authorised to advise the Executive Board not to handle a complaint substantively if:
 - I. after the alleged violation, too long a period has passed or the complainant has waited an unreasonably long time before submitting the complaint. As such, a term of five years applies in principle;
 - II. the complaint has already been investigated by it or a similar Committee;
 - III. the complainant has violated the duty of confidentiality of Article 2.11;
 - IV. a complaint relates to criminal, administrative or civil legal action.
- e. The Committee is also authorised to advise the Executive Board not to handle a complaint substantively if, based on an initial assessment regarding the (in)admissibility, it has come to the conclusion that
 - I. the complaint is manifestly unfounded;
 - II. the complaint is manifestly of insufficient importance;
 - III. the complaint manifestly concerns only a professional difference of opinion;
 - IV. the complaint can only be traced back to a conflict in the workplace;
 - V. the complaint cannot lead to the conclusion that the defendant's actions constitute a violation of scientific integrity.
- f. The Committee will advise the Executive Board within four weeks if it is of the opinion that the complaint should not be handled substantively.
- g. The Executive Board then decides as soon as possible about not handling the substance and notifies the complainant and the defendant of its decision. If it is decided not to proceed with the substantive handling, this is a preliminary decision as referred to in Article 6.1.
- h. If part f does not apply or if the Executive Board decides on the basis of part g, first sentence, that the complaint should be handled substantively, the Committee will proceed to do so. The basic principle that the defendant is presumed to be innocent until proven otherwise still applies.

5.4 Substantive handling of a complaint

- a. The Committee examines whether - in addition to the complainant and the defendant - there are other interested parties who should be involved in the procedure.
- b. The Committee will give the defendant the opportunity to submit a written statement of defence, within a period to be determined by the Committee. The statement of defence

will be shared with the complainant. Other written documents submitted by one of the parties will only be considered by the Committee if they have been submitted at its request or with its prior consent.

- c. The Committee will give the complainant and the defendant the opportunity to be heard. The Committee may also hear other interested parties or persons otherwise involved in the complaint. The Committee may also hear witnesses and experts or request experts to provide a written expert report. The Committee may waive a hearing if it does not consider a hearing necessary for the substantive assessment of the complaint.
- d. The complainant and the defendant are heard in each other's presence, unless there are compelling reasons to hear them separately. In such case, each of them will be informed of what was revealed during the hearing held in their absence and will be given an opportunity to respond to the other's remarks. Other parties involved, witnesses and experts are heard in a manner deemed most appropriate by the Committee.
- e. A written report is made of the hearing, giving the essence of what has been said. This report is communicated to the complainant and the defendant, as well as, if other involved parties have been heard, to these involved parties. They may only respond to factual inaccuracies.
- f. The Committee may make audio recordings of the hearing. These are only intended as an aid to the preparation of the report. After the Executive Board has given its final decision, the recordings will be destroyed. No one other than the Committee may make sound recordings during a hearing.
- g. During the hearing, the complainant and the defendant may be assisted by a maximum of two people.
- h. The hearings and other sessions of the Committee are not public.
- i. All relevant information collected by the Committee will be made available to the complainant and the defendant with a view to fair treatment, unless the Committee sees reason to deviate from this rule for compelling reasons. The reasons for not making certain information available are set out in the advice.
- j. The Committee informs the complainant and the defendant of its intended advice, and allows them to respond to factual inaccuracies within a period to be determined by the Committee.
- k. Within ten weeks of receipt of the complaint, the Committee will issue a report of its findings to the Executive Board and a recommendation on the merits of the complaint. In doing so, it uses the weighting criteria included in section 5.2 under C of the Code of Conduct. The Committee may extend the ten-week period by four weeks. The complainant and the defendant are notified in writing of the extension. Further extension is possible insofar as the complainant and the defendant agree to this in writing.

5.5 Careful handling and confidentiality

- a. In the interest of careful handling, all relevant documentation gathered by the Committee will be made available to both the complainant and the defendant.
- b. The Committee may decide not to provide certain information to the complainant and/or defendant if there are compelling reasons not to. The Committee will record these compelling reasons and will report this decision and its underlying reasoning to the Board.
- c. If and to the extent that the complainant or defendant has stipulated in the design (or corresponding data management plan) of the research to which the complaint pertains that research information and/or research data may not be made public, and has included valid reasons as to why not, the Committee may – at the request of the complainant, the defendant or other stakeholders – decide to avoid disclosing all or part of the research information and/or research data in the information shared by the Committee and in the formulation of its opinion.

- d. If and to the extent that the complainant or defendant has stipulated in the design (or corresponding data management plan) of the research to which the complaint pertains that, in the event of an investigation into a suspected violation of research integrity, all research information and/or research data will be made available for review only under the conditions of confidentiality established by the Board, the Committee will observe these conditions of confidentiality when:
 - I. the (vice-)chair, Committee members and the secretary access the research information and/or research data in question by;
 - II. disseminating information in connection with the handling of the complaint; and
 - III. when formulating its opinion.
- e. In the event that no agreements have been established with regard to the limited public availability of research information and/or research data, the Committee may (provided it can supply valid reasons¹ for doing so) determine that, in the interest of confidentiality, portions of the scientific research that can reasonably be kept out of reach of the public and the relevant data are to be designated as confidential, at which point the Committee will establish the applicable conditions of confidentiality in keeping with those laid down in paragraph 4.

Article 6 Procedure after the advice given

- 6.1 The Executive Board will determine its preliminary decision as soon as possible, but in any event within four weeks of receiving the Committee's advice. It informs the complainant and the defendant in writing immediately. The findings of the Executive Board and the Committee's advice are sent along with the preliminary decision.
- 6.2 The complainant, the defendant and any other interested parties or stakeholders may request the Netherlands Board on Research Integrity (LOWI) to issue advice concerning the preliminary decision of the Executive Board. This must be done within a term of six weeks, beginning on the date on which the preliminary decision is issued by the Executive Board. The LOWI must have received the request before that six-week term has ended. Upon request, the Committee will immediately send copies of all documents relating to the complaint to the LOWI.
- 6.3 If the LOWI's advice has been requested and subsequently issued, the Executive Board will include the LOWI's advice in its final decision. If the LOWI's opinion has been requested and subsequently issued, the Executive Board will determine its final decision within four weeks after the LOWI's recommendation is received.
- 6.4 If the advice of the LOWI has not been requested within the period referred to under 2, the Executive Board will make a final decision on the complaint as soon as possible after the term mentioned under 2.
- 6.5 After completion of the procedure, the decision of the Executive Board, together with a report of findings and the Committee's advice, will be published in anonymised form on the websites of the University and UNL.

Article 7 Protection of persons

- 7.1 The Executive Board decides whether, and if so, what actions or aftercare is desired after determining the final decision pursuant to Article 6.3, respectively Article 6.4, with respect to the parties to the dispute; the Committee has no role in this.
- 7.2 The university's Executive Board ensures the rights of the complainant and the defendant are protected and that they are not unnecessarily disadvantaged in their career prospects or otherwise. The same applies to any other interested parties or involved parties, witnesses,

¹ *Valid reasons, including confidentiality, can be found in: European Council, Council Conclusions: The transition towards an Open Science system, paragraph 14 (Brussel, 27/05/2016, 9526/16, via: data.consilium.europa.eu/doc/document/ST-9526-2016-INIT/en/pdf).*

experts, the confidential advisors, the Committee members or the official support of the Committee.

Article 8 Accountability

8.1 After the academic year, the Committee accounts for its work to the Executive Board in an annual report for the university's annual report. This report will contain a general account of the cases handled and the activities carried out. The report must contain no information that may be traced to individuals. The Committee's annual report is published on the Committee's website.

Article 9 Final provisions

9.1 These regulations come into effect on January 1, 2024 and replace all previous complaints regulations of the university in the field of scientific integrity insofar as complaints are submitted on or after this date. Complaints submitted before the date on which this regulations enters into force will be handled in accordance with the procedure applicable at the time of their submission.

9.2 These regulations are published on the university's website.

9.3 In case of differences in interpretation between the English and Dutch versions of the complaints procedure, the original Dutch version shall prevail.