

Scientific Integrity Complaints Procedure

University of Twente

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Preamble

At the University of Twente, 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 Academic Practice (VSNU 2004, revised in 2012 and 2014) elaborates on these principles, which are also endorsed by the University of Twente 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 complain if (there is a suspicion that) university staff are violating scientific integrity.

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 are structured as follows:

- Article 1: Definitions
- Article 2: General provisions (2.1 - 2.11)
- 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 - 5.4)
- Article 6: Procedure following the advice (6.1 - 6.5)
- Article 7: Protection of persons
- Article 8: Final provisions (8.1 - 8.3)

Article 1 Definitions

Violation of scientific integrity: acting or omission in violation of the Netherlands Code of Conduct for Academic Practice (VSNU)

Complaint: a written report about (a suspicion of) a violation of scientific integrity committed by an employee

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 decision of the Executive Board pursuant to article 5.2g, 6.2 or 6.3 of these regulations.

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

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

Employee: anyone who, in accordance with the collective agreement for Dutch universities, 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.

Confidential advisors: those who have been appointed as confidential advisor for scientific integrity by the Executive Board

Executive Board: the Executive Board of the University of Twente

Committee: the committee set up by the Executive Board to handle complaints about violations of scientific integrity

LOWI: the Netherlands Board on Research Integrity, established by the Royal Netherlands Academy of Arts and Sciences (KNAW), the Dutch Research Council (NWO) and the Association of Universities in the Netherlands (VSNU)

Supervisory Board: the Supervisory Board of the University of Twente

University: University of Twente

Article 2 General provisions

- 2.1 Anyone, being a natural person or legal entity, has the right 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 A complaint can only be submitted about an alleged violation of scientific integrity. The complaint must sufficiently substantiate why the complainant considers that scientific integrity has been violated.
- 2.3 The committee will immediately inform the Executive Board of the receipt of a complaint.
- 2.4 The Executive Board can also request the committee to investigate an alleged violation of scientific integrity without a complaint being filed.
- 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 accused require this and
 - b. the fact-finding can take place without input from the complainant.
- 2.6 If the complaint concerns a member of the Executive Board, the complaint can be submitted to the committee, whether or not via the Supervisory Board or the confidential advisor on behalf of the complainant. In that case, the committee issues advice to the Supervisory Board and the latter exercises the powers of article 6.

- 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 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. This duty of confidentiality also applies after the complaints are dealt with, with the exception of the anonymised presentation of matters in annual reports or on the website of the committee or the university, as well as of the VSNU. If the duty of confidentiality is violated, the committee or the Executive Board can attach appropriate consequences.
- 2.10 The complainant has the right to withdraw the complaint until the Executive Board makes its initial decision, as referred to in article 6.1.
- 2.11 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 accused, advice by the committee about and final assessment of a complaint by the Executive Board takes place in the English language, unless neither the complainant nor the accused have a need for this, in which case the Dutch language is used.

Article 3 Confidential advisors

3.1 Appointment

- a. The Executive Board appoints one or more confidential advisors, of which at least one acts on behalf of the complainant and at least one on behalf of the accused, for a period of four years (after hearing the deans). Reappointment for a consecutive period of four years is possible.
- b. The following persons are eligible for appointment:
 - I. (emeritus) professors with extensive experience in research and education, preferably gained at one or more Dutch universities;
 - II. insofar as they 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 of a faculty (as referred to in article 9.12 of the Higher Education and Research Act) or scientific director within the university.
- 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. only acts on behalf of the complainant with her or his consent.

3.3 Confidential advisor's task on behalf of the accused

The confidential advisor on behalf of the accused:

- 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 accused with support and advice throughout the complaint procedure;
- c. is initially the point of contact for the accused with regard to aftercare after the complaint has been settled;
- d. only acts on behalf of the accused with her or his consent.

3.4 Accountability

Afterwards, the confidential advisors account for their work to the Executive Board in an annual report for the university's annual report. The report cannot be traced back to individuals. The confidential advisors are obliged to maintain confidentiality about anything disclosed to them in that capacity. It is only possible to deviate from this with the explicit [written] permission of the complainant and the accused.

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 and at least [four] other members.
- c. The chair and members are appointed by the Executive Board.
- d. The provisions of article 3.1, paragraph b apply by analogy, on the understanding that a confidential advisor is not eligible for appointment as chair or member of the committee.
- e. During the appointment, efforts are made to achieve a balanced representation of the composition of the scientific groups of the university's scientific fields. Preferably, one of the members is a lawyer.
- f. The committee is officially supported.

4.2 Task

- a. The committee investigates complaints about (a suspected) violation of scientific integrity and makes recommendations to the Executive Board.
- b. The committee issues solicited and unsolicited advice to the Executive Board on matters relating to scientific integrity.
- c. 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 all documentation and correspondence it deems important for the assessment of the complaint.

- b. The documentation referred to in the previous paragraph also includes the dates of the research to which the complaint relates. Parts of the scientific research and the relevant data that are not available to the public must, if the committee deems this necessary, be made available for inspection to two persons designated by the committee for that purpose. These persons carry out their inspection under strict confidentiality and only share their findings 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 can consult experts, whether or not affiliated with the university. A report is drawn up of the consultation. This report is made available to the complainant and the accused. The complainant and the accused are informed about the identities of the experts or third parties consulted. In its proposed advice, the Scientific Integrity Committee indicates to what extent the opinion of the experts played a role in its assessment.

Article 5 Handling of complaints by the committee

5.1 Working practice

- a. Unless article 2.6 applies, a complaint is handled by the chair 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 Executive Board at the request of the committee. Article 4.2, under c, applies to them by analogy.
- b. Members of the committee who are in any way involved with the persons or facts to which the complaint relates are not eligible for handling a complaint.

5.2 Start of the procedure

- a. After receiving the complaint, the committee will inform the complainant and the accused within two weeks in writing that it has received the complaint and it will inform the complainant and the accused about the procedure to be followed and the content of the complaint.
- b. The committee assesses 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 2.4 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 2.9;
 - IV. a complaint relates to criminal, administrative or civil legal action.
- e. The committee is also authorised to advise against substantive handling of a complaint if, based on an initial assessment, 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 accused'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 sends its decision to the complainant and the accused. If it is decided not to proceed with the substantive handling, this is an initial judgement 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 is that the accused is presumed to be innocent until proven otherwise.

5.3 Substantive handling of a complaint

- a. The committee examines whether - in addition to the complainant and the accused - there are other interested parties who should be involved in the procedure.
- b. In any case, the committee will give the complainant and the accused 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.
- c. The complainant and the accused are heard in each other's presence, unless there are compelling reasons to hear them separately. Other parties involved, witnesses and experts are heard in a manner deemed most appropriate by the committee.
- d. 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 accused, as well as, if other involved parties have been heard, to these involved parties.
- e. 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.
- f. During the hearing, the complainant and the accused may be assisted by a maximum of two people.
- g. The hearings and other sessions of the committee are not public.
- h. All relevant information collected by the committee will be made available to the complainant and the accused 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.
- i. The committee informs the complainant and the accused of its intended advice, and allows them ten working days to respond to factual inaccuracies.
- j. 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 accused are notified in writing of the extension. Further extension is possible insofar as the complainant and the accused agree to this in writing.

5.4 Accountability

- a. Afterwards, the committee accounts for its work to the Executive Board in an annual report for the university's annual report. In the report, a general report is made of the cases handled and the activities performed. The report cannot be traced back to individuals.

- b. The members of the committee and any experts consulted are obliged to maintain confidentiality about anything disclosed to them in that capacity. It is only possible to deviate from this with the explicit [written] permission of the complainant and the accused.

Article 6 Procedure following the advice

- 6.1 The Executive Board will determine its initial decision as soon as possible, but in any event within four weeks of receiving the committee's advice. It informs the complainant and the accused in writing immediately. The report of findings and the committee's advice are sent along with the initial decision.
- 6.2 The complainant, the accused person(s) and any other interested parties can ask the Netherlands Board on Research Integrity (LOWI) to issue advice within six weeks of the date of the initial decision of the Executive Board. Upon request, the committee will immediately send copies of all documents relating to the complaint to the LOWI.
- 6.3 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.
- 6.4 If the LOWI's advice has been requested and subsequently issued, the Executive Board will include the LOWI's advice in its final decision.
- 6.5 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 university's website after completion of the procedure.

Article 7 Protection of persons

- 7.1 The Executive Board decides whether, and if so, what action after adoption of the final decision pursuant to article 6.3, respectively the final decision pursuant to article 6.4, is desired 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 accused 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, experts, the confidential advisors or the committee members.

Article 8 Final provisions

- 8.1 These regulations come into effect on 1/11/2021 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.
- 8.2 These regulations are published on the university's website.
- 8.3 The committee's advice and the Executive Board's decision regarding complaints that have been substantively investigated by the committee since 2010, will, after completion of the procedure, be sent to the VSNU in anonymised form for publication on the relevant website.
- 8.4. In case of differences in interpretation between the English and Dutch versions of the complaints procedure, the original Dutch version shall prevail.