

This is a translation only. In case of conflict, the Dutch version is leading

## **The EUR Scientific Integrity Complaints Procedure (KWI-EUR)**

### **Preamble**

The Netherlands Code of Conduct for Research Integrity defines the guiding principles for good scientific practices and scientific integrity, as well as the norms for good research practices arising from these principles.

EUR also endorses these principles, and they serve as guidelines for a university as defined in section 1.7 of the Higher Education and Research Act.

Everyone involved in research at EUR has a personal responsibility for maintaining scientific integrity. Everyone is required to ensure that these norms are observed with due care. If it is suspected that scientific integrity has been violated, a complaint may be submitted to the EUR Executive Board. EUR ensures that a proper and fair procedure is in place for handling complaints and decision-making resulting from the procedure. With this objective in mind, EUR has adopted the complaints procedure below.

To the fullest extent possible, this scheme will be applied analogously when an inquiry is conducted into the possible violation of scientific integrity at the request of the institution's board in the absence of a submitted complaint.

### **Art. 1 Definitions**

Board:	the Executive Board of Erasmus University Rotterdam;
Code of conduct:	Netherlands Code of Conduct for Research Integrity 2018;
Committee:	The committee instituted by the Executive Board to handle complaints about violations of scientific integrity;
Complaint:	A written notification of a suspected violation of research integrity committed by an employee;
Complainant:	The person lodging a complaint with the board;
Confidential adviser:	The person designated to be the confidential adviser for scientific integrity by the Executive Board;
Employee:	Anyone who has (or had) an employment contract with the university on the basis of the Collective Labour Agreement of Dutch Universities [CAO-NU] or is (or was) in some other way working on behalf of the university;
EUR:	Erasmus University Rotterdam ( <i>Erasmus Universiteit Rotterdam</i> );

This is a translation only. In case of conflict, the Dutch version is leading

Supervisory Board:	The supervising and advisory board of the Executive Board;
The accused party:	The employee whose conduct has given cause for lodging a complaint, or the person whose conduct has resulted in an inquiry by the committee at the board's request;
Violation of research integrity:	Acting contrary to or failing to act in accordance with Paragraph 5.2, sub A 1, 2, or 3 of the Code of Conduct.

## **Art. 2 General**

- Everyone is entitled to submit complaints to the committee, either through the Executive Board or through the confidential advisor or otherwise.
- If the complaint involves a member of the Executive Board, the complaint should be submitted to the committee, either via the Supervisory Board or the confidential adviser. In such cases, the committee will make recommendations to the Supervisory Board and this will exercise the authority referred to in section 5.
- Everyone is required to provide the confidential advisor and the committee with their full cooperation within the stipulated reasonable time frame regarding any assistance they may reasonably require to exercise their authority.
- Everyone involved in the handling of a complaint is obliged to treat with utmost confidentiality all the information with which they have become familiar in the course of the complaint procedure.

## **Art. 3 Confidential advisor**

### **a. Appointment**

1. The Executive Board will appoint one or more confidential advisers for a period of four years, having heard the Doctorate Board. A confidential adviser may be reappointed for consecutive periods of four years.
2. To be eligible for the appointment, the person must satisfy the following criteria:
  - he/she is a professor (or an emeritus professor) with many years' experience in teaching and research, preferably gained in one or more of the Dutch universities;
  - he/she has an impeccable academic reputation;
  - he/she can cope with disappointments and conflicts.
3. The Executive Board may terminate the appointment prematurely if
  - the confidential adviser requests it to be terminated;
  - the confidential adviser no longer meets the requirements for appointment;
  - the confidential adviser fails to perform adequately, having heard the Doctorate Board.

This is a translation only. In case of conflict, the Dutch version is leading

4. The members of the Supervisory and Executive Boards and the deans of the faculties are not eligible to hold the position of confidential adviser.

**b. Duties**

The confidential adviser:

1. acts as a point of contact for questions and complaints about scientific integrity;
2. tries to act as an intermediary or to have a complaint resolved amicably whenever he/she believes this is possible;
3. assists a complainant wishing to lodge a complaint with the committee.

**c. Accountability**

The confidential adviser accounts to the Executive Board for his/her work retrospectively in an annual report which is included in the university's annual report.

The confidential adviser has an obligation of confidentiality in respect of all the information he/she gains knowledge of in his/her capacity as confidential adviser.

**Art. 4 Scientific Integrity Committee**

**a. Appointment and composition**

- The Executive Board institutes the Scientific Integrity Committee.
- The committee is comprised of a chairperson and at least two members.
- A chairperson and two deputy chairpersons shall be appointed.
- The chairperson and the deputy chairpersons shall be appointed for a term of four years.
- The members are appointed for a specific investigation.
- A deputy chairperson is appointed if the serving chairperson comes from the same faculty as the complainant, the accused, and/or any other stakeholder in the complaint.
- The chairperson, deputy chairpersons, and the members shall be appointed by the Executive Board.
- The provisions under 3.a apply mutatis mutandis, on the understanding the confidential adviser is not eligible to be appointed chairperson or a member of the committee.
- In making the appointment the Executive Board endeavours to ensure there is a balanced representation of the university's various academic fields; preferably one of the members will be a lawyer.
- To investigate a specific complaint, the committee may be temporarily expanded to include experts; these experts may be from within or outside the university.
- The committee will receive official administrative support.

**b. Duties**

The Scientific Integrity Committee will investigate complaints and issue advice to the Executive Board.

**c. Authorities**

- The committee is authorised to obtain information from all the employees and bodies in the university. It is entitled to have access to any documentation and correspondence it deems important for the assessment of the complaint.
- The committee may consult experts, whether or not these are linked to the university. A report will be compiled of the advice the committee receives from such experts.

This is a translation only. In case of conflict, the Dutch version is leading

**d. Way of working**

- a. To the extent the ways of working of the committee are not laid down in this or subsequent procedures, they will be determined by the chairperson.
- b. Members of the committee who are in any way connected to the persons or facts to which the complaint relates will not be eligible to handle the complaint.
- c. The committee assesses the admissibility of a complaint on the basis of the following criteria:
  - a. a clear description of the (suspected) violation of scientific integrity by one or more of EUR's employees.
  - b. any written documentation or other evidence relevant to the complaint;
  - c. the name, job and contact details of the complainant.
  - d. at the request of the Executive Board, the committee may investigate a complaint without knowing the identity of the complainant.
- d. The complainant may ask the person/body to which he/she has complained not to reveal his/her identity; this request may only be withdrawn by the complainant himself/herself.

The Executive Board decides whether or not this request will be honoured. If the report relates to (members of) the Executive Board, the Supervisory Board will, on request, take the decision. The request will be honoured, unless the Executive Board, respectively the Supervisory Board, believes there are compelling reasons not to honour the request. In such cases the Executive Board, respectively the Supervisory Board, will give the complainant the opportunity to withdraw his/her complaint within a reasonable period. Compelling reasons will only be deemed to exist if making the complainant's name public could not be refused on the basis of a legal obligation.
- e. The committee is authorised not to handle a complaint if:
  - a. period of more than five years has lapsed since the violation *and* due to the lapse of time a reasonable investigation is no longer possible *and/or* nothing would, in the opinion of the committee, be gained by an investigation; *or*
  - b. the complaint has already been investigated; *or*
  - c. in its opinion, the complaint is manifestly unfounded or of insufficient importance.
- f. The committee may offer the complainant the opportunity to substantiate the complaint within a stipulated period.
- g. The committee rules on the admissibility of the complaint no later than three weeks after the complaint was lodged. If the committee rules that the complaint is unfounded, this recommendation must likewise be communicated to the board no later than three weeks after the complaint was lodged.
- h. If the committee deems the complaint admissible, it will initiate a substantive investigation.
  - The committee will hear all those who in its opinion are involved in the complaint.
  - A report is made of the hearing in which it is stated in a professional manner what has been said. The report will be sent to those heard, giving them the opportunity to inform the committee within a certain period of time and, if so, what factual inaccuracies they believe are in the report. These comments are added to the report.
  - During the hearing both the complainant and the accused may be assisted by a third party.
  - Those involved will be heard in the presence of the other parties being heard, unless there are compelling reasons to hear the parties separately. In the latter situation, all

This is a translation only. In case of conflict, the Dutch version is leading

- the parties will be informed of the matters dealt with during any hearings at which they were not present.
- The committee may also hear witnesses and experts.
  - All relevant information that the committee collects is made available to both the complainant and the accused for the purpose of fair treatment, unless the committee sees reason to deviate from this rule for serious reasons. The reasons for not making certain information available are set out in the recommendation of the committee.
- i. Within twelve weeks of receiving a complaint, the committee will advise the Executive Board of the validity of the complaint.
  - j. The committee's hearings are not open to the public.

**e. Accountability**

The committee accounts to the Executive Board for its work retrospectively in an annual report which is included in the university's annual report.

The members of the committee and any experts consulted have an obligation of confidentiality in respect of all the information they gain knowledge of in their capacity as committee members and/or experts.

**Art. 5 Subsequent procedure**

1. The Executive Board will determine its (initial) decision regarding the committee's recommendation no later than four weeks after the recommendation was received. The Executive Board will notify the complainant and the accused party or parties in writing of its decision immediately.
2. Within six weeks of receiving the Executive Board's decision, the complainant and the accused party or parties can ask The Netherlands Board on Research Integrity (*Landelijk Orgaan Wetenschappelijke Integriteit* (LOWI)) to issue a recommendation regarding the Executive Board's (initial) decision, in so far as this involves a violation of research integrity. If so requested, the Executive Board will send a copy of all relevant documents related to the complaint to the The Netherlands Board on Research Integrity.
3. If a recommendation is not requested from The Netherlands Board on Research Integrity within the term stipulated under 2, the Executive Board will adopt its initial decision.
4. If a recommendation is requested from The Netherlands Board on Research Integrity, the board will take the recommendation of The Netherlands Board on Research Integrity into consideration in its definitive decision.

This is a translation only. In case of conflict, the Dutch version is leading

#### **Art. 6. Protecting those involved**

1. A complainant who has submitted a complaint in accordance with the provisions of this procedure will not in any way whatsoever have his/her (legal) position within EUR discriminated against or favoured as a consequence of the complaint.
2. A proposed dismissal of a complainant within five years of having lodged a complaint will be assessed by the Executive Board. If the dismissal involves a member of the Executive Board, the proposed dismissal will be assessed by the Supervisory Board.
3. The first and second paragraphs of this section are not applicable if a complainant has not acted in good faith and/or has aimed at personal advantage from the violation or the complaint regarding the violation.
4. The person to whom the complaint is submitted will not in any way whatsoever have his/her position discriminated against as a result of undertaking his/her duties pursuant to this procedure.

#### **Art. 7 Unforeseen circumstances**

In any situations not covered by this procedure, the Executive Board will decide. If the complaint relates to a member of the Executive Board, the Supervisory Board will decide.

#### **Art. 8 Slotbepalingen**

1. The Scientific Integrity Complaints Procedure at EUR (KWI-EUR) of 6 December 2012 has been rescinded.
2. Reports of a suspected case of scientific misconduct submitted prior to the date of effectiveness of this procedure and which have not, as yet, resulted in a decision from the Executive Board will be dealt with in accordance with the KWI-EUR 2012.
3. This KWI-EUR procedure will become effective on 1 June 2019.
4. This procedure will be referred to as the: The EUR Scientific Integrity Complaints Procedure.
5. The acronym for the title will be KWI-EUR (KWI being an abbreviation of the Dutch title: Klachtenregeling Wetenschappelijke Integriteit – Scientific Integrity Complaints Procedure).
6. This procedure will be published on the EUR website.
7. On completion of a complaint procedure that was substantially investigated by the committee, the committee's advice and the Executive Board's decision will be published anonymously on the website of the Association of Universities in the Netherlands, as well as on the EUR website.
8. Within two years of the date of effectiveness of this procedure, the Executive Board will compile a report in respect of the effectiveness and impact of this procedure in practice.
9. This procedure is available in English and Dutch, in the event of conflict the Dutch version will prevail.

Adopted by the Executive Board during its meeting on 28 mei 2019.