

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

The EUR Scientific Integrity Complaints Procedure (KWI-EUR)

Preamble

Within Erasmus University Rotterdam all those involved in teaching and research bear their own responsibility for the maintenance of scientific integrity. The general principles governing professional scientific practices should be complied with at all times.

The Netherlands Code of Conduct for Scientific Practice (issued by the Association of Universities in the Netherlands in 2005 and amended in 2012) provides an elaboration of these principles which are also endorsed by the EUR and are used as guidelines for the university, as referred to in section 1.7 of the Higher Education and Research Act. One of the means by which scientific integrity is assessed is the right to complain should (there be suspicions that) employees of the university have violated scientific integrity.

To realise this right to complain the Executive Board has drawn up the procedure detailed below.

Section 1 Definitions

EUR: Erasmus University Rotterdam.

Violation of scientific integrity: Acting contrary to or failing to act in accordance with the Netherlands Code of Conduct for Scientific Practice, including all the forms of conduct detailed in the annex to this procedure.

Complaint: A report of (a suspicion of) an violation of scientific integrity committed by an employee.

Complainant: The person who lodges the complaint with the committee, whether or not via the Executive Board or the confidential adviser.

Accused: The employee whose conduct is being complained about.

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.

Confidential adviser: The person designated to be the confidential adviser for scientific integrity by the Executive Board.

Committee: The committee instituted by the Executive Board to handle complaints about violations of scientific integrity.

Section 2 General

- Anyone is entitled to submit a complaint to the committee, whether or not via the Executive Board or the confidential adviser.
- 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.

- In order for the confidential adviser and the committee to be able to exercise their authority, every employee is obliged to cooperate with them in any way they reasonably request and to do so within the prescribed period – provided this is reasonable.
- Every employee 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.

Section 3 Confidential adviser

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 reappointment 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.
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.

Section 4 Scientific Integrity Committee

a. Appointment and composition

- The Executive Board institutes the Scientific Integrity Committee.
- The committee consists of a chairperson and at least two members.
- The chairperson is appointed for a period of four years.
- The members are appointed for a specific investigation.
- The chairperson and members are 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.

d. Way of working

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. The committee may offer the complainant the opportunity to substantiate the complaint within a stipulated period.
7. Within three weeks of receiving the complaint, the committee will decide whether the complaint is admissible. If it is declared inadmissible, the committee will immediately advise the Executive Board of this.
8. 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 will be compiled of all the hearings.
 - 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 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.
9. Within twelve weeks of receiving a complaint, the committee will advise the Executive Board of the validity of the complaint.
 10. 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.

Section 5 Subsequent procedure

1. Within four weeks of receiving the committee's advice, the Executive Board will take a decision. It will then immediately inform both the complainant and the accused of this decision in writing. The committee's advice is included with the written notification from the Executive Board.
2. Within six weeks of receiving the Executive Board's decision the complainant and the accused can ask the National Board for Research Integrity [Landelijk Orgaan Wetenschappelijke Integriteit - LOWI] to offer advice in respect of the Executive Board's decision, to the extent this relates to an violation of scientific integrity. If requested, the Executive Board will forthwith send all the written documentation pertaining to the complaint to the LOWI.

Section 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.

Section 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.

Section 8 Final provisions

1. The EUR guidelines governing scientific misconduct are now repealed.

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 EUR guidelines governing scientific misconduct.
3. This procedure will become effective on 1 January 2013.
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 6 December 2012.

Annex to section 1 of the EUR Scientific Integrity Complaints Procedure

Violations of scientific integrity

In the scientific community there is considerable agreement about the way in which scientific practitioners should conduct themselves and about which types of conduct should be avoided because they infringe scientific integrity. In the Netherlands, this agreement is reflected in the 2001 memorandum from the Royal Netherlands Academy of Arts and Sciences, and in the Netherlands Code of Conduct for Scientific Practice published by the Association of Universities in the Netherlands in 2004. Of the numerous international texts, the ALLEA European Code of Conduct for Research Integrity published in 2011 is authoritative.

Mistakes are made everywhere and misconduct comes in a range of types and degrees. Science can only flourish if the requirements of scrupulousness, reliability, integrity, impartiality, responsibility and respect are complied with. Scientific misconduct damages the truth, other scientists and society in general. The one primarily responsible for combating misconduct and, if necessary, punishing is the researcher's employer, the university or the research institute.

The universities have declared that they will reject and actively combat the types of conduct summarised below and will, if necessary, punish such conduct making use of any sanctions available to them at the time. The following will at all times be deemed violations of scientific integrity:

1. *Invention: using fictitious data*
Inventing or fabricating data that is presented as having actually been obtained from the findings of research. Acting in this way impacts the heart of science — i.e. ascertaining the truth.
2. *falsification: falsifying details and/or covertly rejecting research results*
Researchers must never adapt unwelcome data to the expectations or the theoretical outcomes. Leaving out details is only permissible if there are demonstrably well-founded reasons.
3. *plagiarism of (parts of) publications and other people's results*
Science will only flourish if honest recognition is given to the intellectual property rights of each person's contribution to knowledge. That applies to the entire range of students' assignments and theses, to scientific publications and to dissertations. Nor does it only relate to literally copying every word, but also to paraphrasing, omitting notes and source references, as well as covertly using data, designs and tables collected and compiled by others. Copyright laws offer victims the opportunity to obtain redress via the courts, but even if there is not (or no longer) a direct victim, a researcher may still be accused of plagiarism.
4. *deliberately ignoring and failing to acknowledge contributions from other authors is a form of misconduct closely related to plagiarism.*
Deliberate and gross violations which cannot be resolved within the scientific community itself must be submitted for judgement to the Scientific Integrity Committee.
5. *unjustly posing as the (co-)author*
A researcher may only name himself/herself (or allow himself/herself to be named) as a co-author of a publication when he/she has demonstrably contributed in the form of providing ideas and expertise, carrying out research, or forming theories. Any researcher

who links his/her name to a publication should, as far as possible, satisfy himself/herself of the correctness and integrity of the content.

6. *consciously misusing (statistical) methods and/or consciously misinterpreting results*
The (statistical) interpretation of research data and empirical results are part of scientific discourse and that also includes the question as to whether or not the interpretation is correct. It can only be deemed misconduct if a person persists with an incorrect representation of the matter or presents unfounded conclusions, while the scientific community has formed an undisputed opinion in respect of the matter. If necessary, a Scientific Integrity Committee and external peers may reach such an opinion.
7. *committing imputable inaccuracies when undertaking research*
There is only a question of misconduct when the researcher does more than simply make mistakes and work carelessly and, subsequently, fails to change his/her conduct after serious and well-founded criticism. A Scientific Integrity Committee. may investigate whether there is a question of misconduct.
8. *allowing and concealing misconduct on the part of colleagues*
Both researchers and managers have a duty of care in respect of science as a whole, and in particular, in respect of the researchers in their immediate environment. It has to be acknowledged that authority relationships in academia, for example between doctoral thesis supervisors and PhD students, will not always make it easy for a person to lodge a complaint against a colleague.