

VU-VUMC ACADEMIC INTEGRITY COMPLAINTS REGULATIONS, JULY 2014

Preamble

At VU University Amsterdam and VU University Medical Center (VUMC), everyone involved in education and research is personally responsible for maintaining academic integrity. For this reason, the general principles of professional academic behaviour must be followed at all times. Compiled by the Association of Universities in the Netherlands (VSNU), the Netherlands Code of Conduct for Scientific Practice (*Nederlandse Gedragscode Wetenschapsbeoefening*, 2004, amended in 2012) elaborates on these principles, which are also endorsed by VU and VUMC, and apply as guidelines for the University as stipulated in Article 1.7 of the Higher Education and Research Act (WHW).

One of the key ways in which academic integrity is subjected to scrutiny is the right to complain if university employees breach academic integrity or are suspected of doing so. To formalize this right to complain, the Executive Board (CvB), together with the Governing Board (RvB), have established the following Complaints Regulations. The Academic Integrity Complaints Regulations apply to the academic research and teaching and the community services provided at both VU University Amsterdam and VUMC. In the application of these Regulations, any special legislation or other regulations of a binding nature, such as those concerning the confidentiality of patient data and human-related research will also be respected. For VUMC, these Regulations are based on Article 9a.11 of the CAO UMC (Collective Labour Agreement for University Medical Centres in the Netherlands).

Article 1 Definitions

- 1.1 Breach of academic integrity: actions or negligence that contravene the Netherlands Code of Conduct for Scientific Practice, including, at all events, the conduct referred to in Appendix 1.
- 1.2 Ombudsman¹: the person appointed by the Executive Board or Governing Board as ombudsman for academic integrity.
- 1.3 Committee: the committee established by the Executive Board and Governing Board to handle complaints concerning breaches of academic integrity.
- 1.4 Employee: a person who conducts research, teaches or provides services to the community under the auspices of the University (or did so in the past), possibly also as part of a contract of employment with VU or VUMC.
- 1.5 Executive Board: the Executive Board of the Vrije Universiteit in Amsterdam (referred to in English as VU University Amsterdam).
- 1.6 Governing Board: the governing board of VU Medical Center (VUMC).
- 1.7 Complaint: a report concerning (suspected) actions or negligence on the part of an employee or administrative body of the University or University Medical Center and of students that contravenes the general principles of (professional) academic conduct as described in the Memorandum on Academic Integrity (*Notitie Wetenschappelijke Integriteit*) issued by the Royal Netherlands Academy of Arts and Sciences (*Koninklijke Nederlandse Akademie van Wetenschappen*, KNAW), and the VSNU's Code of Conduct For Scientific Practice (*De*

¹ In all cases in which the term 'ombudsman' is used, it will be applied in a way that is gender-neutral. In view of the etymological context of the term 'ombudsman', it has been decided to refrain from using either 'ombudsman/woman' or 'ombudsperson'.

Nederlandse Gedragscode Wetenschapsbeoefening) and in line with the ALLEA's "European Code of Conduct for Research Integrity". In accordance with Section 7.12b, para 2 of the WHW, reports of examination fraud committed by students are not covered by these Regulations.

- 1.8 Complainant: the person who submits a complaint to the Executive Board, the Governing Board or the Supervisory Board.
- 1.9 Accused: the employee, the administrative body or the student about whose conduct a complaint has been made.

Article 2 General

- 2.1 Anyone is entitled to lodge a complaint with the Executive Board/Governing Board, possibly via the ombudsman. The Executive Board/Governing Board will immediately forward the complaint to the committee, accompanied by the ombudsman's advice concerning the admissibility of the complaint.
- 2.2 If the complaint concerns a member of the Executive Board or Governing Board, it can be submitted to the Supervisory Board, possibly via the ombudsman. In that case, the committee will issue its advice to the Supervisory Board and the Supervisory Board will have the powers vested in the Executive Board and Governing Board pursuant to these Regulations.
- 2.3 Without prejudice to that stipulated by law or other binding regulations, persons will be obliged, within the reasonable time period set, to offer all cooperation to the ombudsman and the committee that they may reasonably demand in exercising their powers.
- 2.4 Persons who are officially involved in handling a complaint must observe confidentiality with regard to anything made known during the complaints procedure, with the exception of that stipulated in Articles 3.3, 4.5 and 5.4 (h) of these Regulations.
- 2.5 Article 2.4 does not apply to the complainant and the accuser.

Article 3 Ombudsman

3.1 Appointment

- a) Having elicited the views of the College of Deans and/or the VUMC divisional chairpersons, the Executive Board/Governing Board will appoint one or more ombudsmen for a period of two years, who will act as each other's replacement should the need arise. Reappointment is possible.
- b) The ombudsman must have an academic background and an irreproachable academic reputation. He/she must also be able to deal effectively with disagreements and conflict and adopt an independent attitude.
- c) The Executive Board and/or Governing Board can terminate the appointment in the interim:
 - i) at the ombudsman's own request;
 - ii) if the ombudsman no longer meets the requirements for being appointed;

- iii) in the event of poor performance on the part of the ombudsman.
- d) Members of the Executive Board and/or Governing Board and the deans and vice-deans of the faculties will not be eligible for appointment as ombudsman.

3.2 Role

- a) The ombudsman will serve as the point of contact for questions and complaints about breaches of academic integrity in teaching, research and community services within VU University Amsterdam and VUMC.
- b) The ombudsman will issue the Executive Board/Governing Board with advice on the admissibility of any complaint. The Executive Board/Governing Board will then forward the complaint to the committee, accompanied by this advice.
- c) In the event of a complaint, if he/she sees fit, the ombudsman may mediate between the complainant and the accused or attempt to reach an amicable solution to the complaint in some other way. The ombudsman will immediately issue a report on this to the Executive Board or Governing Board.
- d) If such should prove necessary, the ombudsman will advise the complainant on submitting a complaint to the Executive Board or Governing Board.

3.3 Accountability

The ombudsman will immediately notify the Executive Board/Governing Board of every complaint and will account for its activities to the Executive Board and the Governing Board in an annual report, which will report in general terms on the cases handled and activities conducted. This reporting must not enable the identities of individuals to be traced. Otherwise, the ombudsman must observe confidentiality concerning matters of which he/she becomes aware in the capacity of ombudsman. Departures from this duty of confidentiality are possible only with the express permission of the complainant and the accused.

Article 4 Academic Integrity Committee

4.1 Appointment and composition

- a) The Executive Board and the Governing Board will establish an academic integrity committee, comprising a chairperson and at least two members, who, based on their (possibly former) position, are able to fulfil their role independently. The members of the Academic Integrity Committee must work (or have worked) at VU University Amsterdam and/or VUMC and at least one of them must be a lawyer.
- b) The Executive Board and the Governing Board will appoint the members of the committee.
- c) The chairperson and members must have an academic background and have an irreproachable academic reputation. That stipulated in 3.1 b to d will apply *mutatis mutandis*.
- d) In appointing, efforts will be made to achieve a fair representation of the different academic disciplines in the University.

- e) An ombudsman is excluded from appointment as a member or chairperson of the committee.
- f) In order to investigate a complaint, the committee can be extended by adding ad hoc members, who may or may not be associated with VU University Amsterdam or VUMC. These members will be nominated by the chairperson of the permanent committee and appointed by the Executive Board/Governing Board after these have been consulted on the matter. That stipulated in 3.1 b to d will apply *mutatis mutandis*.
- g) The committee will appoint one or more deputy chairpersons from its number.
- h) The committee will receive administrative support from a secretary.

4.2 Role

The committee will investigate complaints on behalf of the Executive Board or Governing Board and issue its advice on these to the Executive Board/Governing Board.

4.3 Powers

Without prejudice to that stipulated in the law or other binding regulations, the committee will, in all stages of handling the complaint, be authorized to:

- a) elicit information from all employees and bodies at VU University Amsterdam and VUMC;
- b) consult any documentation and correspondence that it deems of relevance in assessing the complaint;
- c) seize, have copied or placed under seal, any documentation and correspondence if it considers this necessary for the purposes of the investigation;
- d) consult experts or other third parties, who may or may not be associated with VU University Amsterdam and VUMC.

4.4 Working method

- a) Insofar as the committee's working method is not established in these or other subsequent regulations, this will be determined by the chairperson.
- b) In handling a complaint, at least the chairperson and two members and/or ad hoc members will be involved. In each case, the chairperson will decide on the composition of the committee, in accordance with that stipulated in Article 4.1 (f).
- c) Members of the committee who are in any way associated with the individuals or facts to which the complaint relates will not be eligible to handle a complaint.

4.5 Accountability

The committee will account for its activities in general terms to the Executive Board and Governing Board in an annual retrospective report. This report will be brought to the attention of the College of Deans, the VU Works Council and University Student Council, the divisional chairpersons of VUMC and the VUMC Works Council.

Article 5 Handling of the complaint

Article 5.1 Formal handling of the complaint

- a) The ombudsman will issue the Executive Board/Governing Board with advice on the admissibility of the complaint; the Executive Board/Governing Board will then forward the complaint to the committee, accompanied by this advice. After receiving the complaint, the committee will notify the complainant, the accused and the dean of the relevant faculty in writing within ten working days that it is investigating the complaint and inform said persons of the procedure they should follow and the substance of the complaint.
- b) The committee will declare a complaint inadmissible if it does not meet the following requirements:
 - i. the complaint contains a clear description of the (alleged) breach of academic integrity by an employee, administrative body or student;
 - ii. the complaint is accompanied by the date and details of the name, position and contact details of the complainant. At the request of the Executive Board/Governing Board, the committee can investigate a complaint without knowledge of the complainant's identity. In such a case, provisions in the Complaint Regulations that relate to the complainant may be of limited applicability. This applies in all events to Articles 5.2.f, 5.4.d and 6.b, clause 2 of these Complaint Regulations. In cases in which the complainant is anonymous or if there is no complainant, the Executive Board/Governing Board can ask the dean/divisional chairperson to act as the complainant.
- c) The committee can offer the complainant the opportunity to provide additional information concerning the complaint within a time period set by it.
- d) The committee has the power to refuse to accept a complaint for handling if, in its judgement:
 - i. the breach of integrity took place too long ago;
 - ii. the complaint is manifestly unfounded;
 - iii. the complaint is clearly trivial in nature;
 - iv. the complaint has previously been sufficiently investigated by the committee or a similar committee.
- e) As soon as possible after receiving the complaint, but at the least within four weeks, the committee will make a judgement concerning the admissibility of the complaint and notify the Executive Board/Governing Board and the dean of the relevant faculty of this. If it proves impossible to make an assessment concerning the admissibility within four weeks, the chairperson (or his/her replacement) will notify the complainant, the accused, the dean of the relevant faculty and the Executive Board/Governing Board of this, citing the reasons for it.
- f) If the committee concludes that the complaint is inadmissible or judges that it is a case of one of the circumstances referred to under d in this Article, it will immediately issue advice on this to the Executive Board/Governing Board.

- g) If the complaint is declared inadmissible or a decision is taken not to handle it, the Executive Board/Governing Board will notify the complainant, the accused and the dean of the relevant faculty of this by sending a decision, supplemented by reasons.

5.2 Handling of the substance of the complaint

- a) If the committee deems the complaint to be admissible and does not judge that it is a case of one of the circumstances referred to in Article 5.1 (d), it will proceed to handle the substance of the complaint. The committee will notify the Executive Board/Governing Board, the dean of the relevant faculty, the complainant and the accused of this.
- b) The committee will allow any persons involved that it deems appropriate to present their views on the complaint. At all events, the committee will allow the complainant and the accused to present their cases in a hearing.
- c) A written report will be compiled of any such hearings, including details of what was actually said. The report will be sent to the persons involved in these hearings and signed by them. The committee's report of its findings will also incorporate, or at least refer to, any comments about the report made by those involved in the hearings within the time period set by it. If any person involved in the hearing refuses to sign the report, this will also be mentioned in the report, if necessary also including the reasons for this.
- d) In any hearings, the complainant and the accused can enlist support from others but may not have others represent them.
- e) Hearings will be held separately and in person. The committee may decide that the complainant and the accused can give evidence in each other's presence.
- f) If the hearings are held separately, the committee will send a written report, notifying the complainant and the accused of the subject matter discussed at the hearings in their absence.
- g) The committee can take evidence from witnesses and experts and request a report by experts.
- h) The meetings of the committee will not be held in public.

Article 5.3 Withdrawing the complaint

- a) At any time during the investigation, the complainant can withdraw the complaint by sending a written statement to the committee. If the committee decides to discontinue its handling of a complaint withdrawn by the complainant, it will immediately notify the accused and the Executive Board/Governing Board and the dean of the relevant faculty of this.
- b) If the committee feels that there is reason to continue to handle the complaint after its withdrawal, it is authorized to do so. If the committee decides to continue its handling of a complaint withdrawn by the complainant, it will immediately notify the complainant, the accused, the Executive Board/Governing Board and the dean of the relevant faculty of this.

5.4 Report of the findings and advice

- a) After completing its investigation of the substance of the complaint, the committee will issue the Executive Board/Governing Board with a report of its findings and a recommendation on whether or not the complaint is well-founded within six weeks. This time period can be extended by a further six weeks on two occasions; should the committee decide to do this, it will report this in a decision, accompanied by its reasons, issued to the complainant, the accused, the dean of the relevant faculty and the Executive Board/Governing Board.
- b) The report of the findings must at least include:
 - i. the reports of any hearings held, reports requested and documentation that is of relevance to the complaint as referred to in Article 4.3b and c;
 - ii. details of the conclusions that the committee draws from these.
- c) The advice will include an assessment of the complaint by the committee (well-founded or unfounded) and any recommendations it might have for the Executive Board/Governing Board.
- d) Before it sends a report of its findings to the Executive Board/Governing Board, the committee will put the draft report to the complainant and the accused. The committee's report of its findings will also incorporate, or at least refer to, any comments about the report made by the complainant and the accused within the time period set by it.
- e) Neither the advice nor the report of the findings will be public.
- f) The committee will issue the Executive Board/Governing Board with an anonymized summary of its findings and advice intended for publication.
- g) After the procedure has been completed, the Executive Board/Governing Board will arrange for the publication of the public summary and the anonymized judgement of the Executive Board/Governing Board on the VSNU website.
- h) The Executive Board may opt for a non-anonymized publication if there are compelling reasons to do so.

Article 6 Follow-up procedure

- a) The Executive Board/Governing Board will reach its judgement within four weeks of receiving the advice.
- b) The complainant, the accused and the dean of the relevant faculty will immediately be issued with written notification of this judgement. The complainant and the accused will receive the committee's advice together with the definitive report of its findings.
- c) Within six weeks of receiving notification from the Executive Board/Governing Board, the complainant and the accused can ask the National Board for Research Integrity (*Landelijk Orgaan voor Wetenschappelijke Integriteit*, LOWI) to give its advice on the judgement of the Executive Board/Governing Board, insofar as it concerns a breach of academic integrity. On request, the committee will immediately send the LOWI copies of any documentation concerning the complaint.

- d) The request to the LOWI to issue its advice will not have a suspensory effect in law. At its own initiative, or at the request of the accused, the Executive Board/Governing Board may decide to postpone any measure it may have imposed until the advice has been issued.

Article 7 Protection of the parties involved

The submission of a complaint in accordance with these Regulations cannot result in any disadvantage, directly or indirectly, for the complainant, unless the complainant has not acted in good faith. The VU/VUMC whistleblower regulations will apply for the complainant. They will also apply for witnesses, experts, ombudsmen or committee members. The Executive Board/Governing Board will oversee this to the best of its ability.

Article 8 Unforeseen circumstances

In cases not covered for by these Regulations, the Executive Board/Governing Board will decide, with the exception of that concerning the committee's working method stipulated in Article 4.4 under a.

Article 9 Final provisions

- a) These Regulations enter into force on 1 July 2014 and supersede any previous complaint regulations governing academic integrity.
- b) These Regulations will be published on the website of VU University Amsterdam and VUMC.

Appendix 1. Breach of academic integrity - VSNU

In the academic and scientific community, there is broad consensus with regard to the expected behaviour of individuals practising science/scholarship and the behaviour that must be deemed to be a breach of academic integrity. In the Netherlands, this consensus is expressed in the KNAW Memorandum on Academic Integrity published in 2001 and the VSNU's Netherlands Code for Scientific Practice, published in 2004 (revised in 2012). The ALLEA European Code of Conduct for Research Integrity from 2011 is the most authoritative of the many international publications on the subject.

Mistakes are made everywhere and misconduct occurs in all shapes and sizes. Scholarship can only operate effectively if all of the requirements concerning prudence, reliability, honesty, impartiality, responsibility and respect are met. Academic misconduct undermines truth, other academics and scientists and society as a whole. The agency with initial responsibility for combating misconduct and punishing it if necessary is the researcher's employer, the university or the research institute. With regard to the conduct summarized below, the universities declare that they categorically reject it, actively combat it and where necessary punish it using the sanctions available to them.

The following are considered, at all events, as breaches of academic integrity:

1. fraud: entering false data

The fabrication or invention of data presented as actual research findings. This undermines the main tenet of scholarship: the identification of truth.

2. falsification: falsifying data and/or secretly rejecting research results obtained

Data that researchers may consider unwelcome must never be modified in line with expectations or theoretical results. The omission of data must only occur for demonstrably good reasons.

3. plagiarism of (parts of) other people's publications and results

Scholarship and science can only operate with the fair acknowledgement of the intellectual property of everyone's own contribution to knowledge. This applies to everything from student assignments and theses to scientific publications and dissertations. It not only concerns copying verbatim, but also paraphrasing, omitting to include references or acknowledge sources, the secret use of data, designs or calculations collected by others. Copyright offers victims of plagiarism the opportunity to gain legal redress, but even if there is no direct victim, a researcher can be accused of plagiarism.

4. Deliberately ignoring or failing to acknowledge the contribution of other authors

This is a form of misconduct that is similar to plagiarism. Deliberate and gross breaches that cannot be resolved within the academic community itself require the independent judgement of the Academic Integrity Committee.

5. inappropriately claiming to be (co-)author

A researcher is only authorized to be named as the co-author of the publication if he/she has made a demonstrable contribution in the form of ideas and expertise put forward, research conducted or the development of theory. A researcher who associates his/her name with a publication must be certain of the accuracy and integrity of its contents.

6. deliberately misusing (statistical) methods and/or deliberately misinterpreting results.

The (statistical) interpretation of research data and empirical results is part of the academic/scientific discourse and this also concerns the question of whether or not that interpretation is correct. It can only be deemed to be misconduct in the event of persistent misrepresentation of facts and the presentation of unjustified conclusions, in cases where an indisputable judgement on the matter has

been reached in the academic/scientific community. If necessary, an Academic Integrity Committee can reach a judgement of this kind with external peers.

7.failure to exercise due caution when conducting research

Misconduct occurs only if the researcher goes further than mistakes and carelessness and fails to adjust his or her method of working after serious and well-founded criticism. An Academic Integrity Committee can arrange for an investigation as to whether or not this is the case.

8.permitting and failing to disclose misconduct by colleagues

A researcher or manager has a duty of care with regard to scholarship as a whole and in particular with regard to the researchers in his or her immediate environment. It must be acknowledged that the relationships of authority within scholarship, for example between PhD supervisors and PhD students, mean that it is not always easy to accuse colleagues of misconduct.