

Complaints procedure scientific integrity TU/e

Preamble

Within the TU/e the responsibility for maintaining academic integrity lies with all those involved in education and research. The general principles of professional scientific conduct must be observed at all times.

The Netherlands Code of Conduct for Scientific Practice (Association of Universities in the Netherlands (VSNU) - 2005, amended in 2012) contains an elaboration of these principles, which are also endorsed by the TU/e and are considered guidelines for the university, as intended by Article 1.7 of the Higher Education and Research Act (WHW). TU/e also has its own Code of Scientific Conduct effective as of September 1, 2014.

One of the means for testing scientific integrity is the right to complain if (there is a suspicion that) employees, students or guests of the university are violating the scientific integrity. To implement this right of complaint, the Executive Board has adopted the following regulation.

Art. 1 Definitions

Violation of scientific integrity: acts or omissions in violation of the Netherlands Code of Conduct for Scientific Practice or the TU/e Code of Scientific Conduct, including in any case the conduct set out in Appendix 1.

Complaint: a report of a (suspected) violation of the scientific integrity committed by an employee, student or guest.

Complainant: the person submitting a complaint with the committee, whether or not it be through the Executive Board or the confidential counselor.

Defendant: the employee, student or guest in respect of whose conduct a complaint has been submitted.

Employee: the person who is or has been employed by the university in accordance with the NU collective agreement or is or has been employed otherwise under the responsibility of the university.

Student: the student registered at the university

Guest: the person who is using the facilities of the university

Confidential counselor: the person who has been appointed as confidential scientific integrity counselor by the Executive Board.

Committee: the committee established by the Executive Board to review complaints with respect to scientific integrity violations.

Art. 2 General

Every person has the right to lodge a complaint with the committee, whether or not it be through the Executive Board or the confidential counselor.

If the complaint concerns a member of the Executive Board, the complaint may be submitted with the committee, whether or not it be through the Supervisory Board or the confidential counselor. In such a case, the committee shall report to the Supervisory Board, who shall exercise the powers as set out in article 5.

Everyone is obliged, within the reasonable period stipulated, to render every assistance to the confidential counselor and the committee they may reasonably request in the exercise of their powers.

Any person involved in reviewing a complaint shall be bound to confidentiality in respect of the information he/she has become aware of during the complaint procedure.

Art. 3 Confidential counselor

a. Appointment

1. The Executive Board shall appoint a confidential counselor for a period of four years. Subsequent reappointments for further periods of four years are possible.

2. Requirements for appointment are:

- to be an (emeritus) professor with extensive experience in research and education, preferably gained at one or several Dutch universities;
- to have an impeccable academic reputation;
- to be able to handle differences and conflicts.

3. The Executive Board may terminate the appointment before the end of the term

- at the request of the confidential counselor;
- due to the confidential counselor no longer meeting the requirements for appointment;
- due to unsatisfactory performance of the confidential counselor.

4. Members of the Supervisory Board, members of the Executive Board and members of the faculty boards, as well as education directors, graduate program directors and the deans of the TU/e Bachelor College and Graduate School are not eligible for appointment as confidential counselor.

b. Duty

The confidential counselor

1. acts as a low-threshold point of contact for questions and complaints about scientific integrity
2. if he/she identifies opportunities to do so, shall try to mediate with respect to the complaint or otherwise come to an amicable agreement
3. provides the complainant with pointers regarding submitting a complaint with the committee.

c. Accountability

The confidential counselor shall report to the Executive Board afterwards about his work by means of an annual report for the annual report of the university. The annual report shall be presented to the university council for information purposes. Furthermore, the confidential counselor shall have an annual coordination meeting with the secretary of the University. The counselor shall be bound to confidentiality with respect to all that becomes known to him in that capacity.

Art. 4 Complaints Committee on Scientific Integrity

a. Appointment and composition

- The Executive Board shall establish a Complaints Committee on Scientific Integrity.
- The committee shall comprise of the Chair and at least four members.
- The Chair and the members shall be appointed by the Executive Board for a period of four years. Members are eligible for reappointment once only.
- The provisions under 3.a shall apply by analogy, provided that the confidential counselor shall not be eligible for appointment as Chair or a member of the Committee.
- In appointing the Committee the aim shall be to achieve a balanced representation of the scientific fields of the university. Preferably, one of the members shall be a legal expert.
- For the investigation of a complaint, the committee may be temporarily expanded to include experts, whether or not affiliated with the university.
- The committee shall be officially supported by a legal expert. He will be appointed for a period of four years. Subsequent reappointments for further periods of four years are possible.

b. Duty

The Committee on Scientific Integrity shall investigate claims and submit a recommendation on this to the Executive Board.

c. Powers

- The committee shall be authorized to obtain information from all employees, students, guests and bodies of the university. It may require inspection of all documentation and correspondence it considers relevant for the assessment of the complaint.
- The committee may consult experts, whether or not affiliated with the university. A report must be made of the consultation.

d. Method

1. Insofar as the method of the committee has not been set out in this regulation or in any further regulation, the method shall be determined by the Chair.
2. To review the complaint, the Chair shall appoint at least two members of the confidential committee, who, together with the Chair, will form the review committee.
3. Following consultation with the parties involved, the review committee may inquire whether an amicable agreement is possible.
4. Members of the committee who are involved in any way with the persons or the facts to which the claim relates, shall not be eligible for reviewing the complaint.
5. The committee shall assess the admissibility of the complaint on the basis of, inter alia, the following criteria:
 - a. A clear description of the (suspected) violation of scientific integrity by one or several specific employees, students or guests of the TU/e.
 - b. The related written documents or other evidence.
 - c. Statement of name, position 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.
6. The committee is authorized to decide not to review a complaint if it deems the violation to have occurred too long ago or if the complaint has been previously investigated or it believes it has manifestly been declared unfounded or manifestly been declared to be of insufficient interest.
7. The committee may give the complainant the opportunity to supplement the complaint within the term it has stipulated.
8. The committee shall decide on the admissibility within three weeks after receiving the complaint. If it concludes that the complaint is inadmissible, it shall immediately report this to the Executive Board.

9. If the committee considers the complaint admissible, it shall proceed with reviewing the details.
- The committee shall hear the parties involved in the claim that it considers eligible. A report must be made of the hearing.
 - During the hearing the complainant and the defendant may receive legal advice.
 - Hearing the parties involved shall take place in each other's presence, unless there are compelling reasons why they should be heard separately. In that case, each of the parties shall be informed of the proceedings at the hearing without their presence.
 - The committee may hear witnesses and experts.
10. The review committee shall inform the complainant and the defendant(s) of its proposed conclusion about the complaint and shall give them the opportunity to respond for a period of ten work days. At the request of the complainant and defendant(s), they may inspect the documents.
11. Within twelve weeks after receiving the complaint, the committee shall submit a recommendation to the Executive Board regarding the validity of the complaint.
12. The hearings of the committee are not open to the public.

e. Accountability

The committee shall report to the Executive Board afterwards about its work by means of an annual report for the annual report of the University. The annual report shall be presented to the university council for information purposes. At least once a year, a coordination meeting shall take place between the committee and the confidential counselor.

The members of the committee and any experts that have been consulted shall be bound to confidentiality with respect to what they have become aware of in their capacity.

Art. 5 Follow-up procedure

1. The Executive Board shall pronounce its initial judgment within four weeks of receiving the recommendation of the committee. It shall inform the complainant and defendant thereof forthwith in writing. The recommendation of the committee shall be sent along with the initial judgment.
2. Complainant and defendant(s) may request the National Committee for Scientific Integrity (LOWI) to express an opinion on the initial judgment of the Executive Board within six weeks of receiving the notification of the Executive Board, insofar as it concerns the violation of scientific integrity. If requested, the committee shall send all documents relating to the complaint to the LOWI without delay.
3. If no opinion of the LOWI has been requested within the period specified under 2, the Executive Board shall adopt its judgment of the claim.
4. If the opinion of the LOWI has been requested, the Executive Board shall take the opinion of the LOWI into consideration for its definitive decision.

Art. 6 Amicable agreement

If an amicable settlement is reached, or the complaint is withdrawn or the defendant has resolved the complaint to the satisfaction of the complainant, the review of the complaint will be terminated by the committee. The complainant and the defendant(s) and the Executive Board shall be notified of this in writing.

Art. 7 Investigation at the request of the Executive Board

The Executive Board may request the committee to carry out an investigation into a suspected violation of scientific integrity. Articles 4.d., 5 and 6 shall apply in this case.

Art. 8 Protection of the parties involved

Submitting a complaint under this regulation may not result in any disadvantage whatsoever, direct or indirect, for the complainant, unless the complainant failed to act in good faith. The same applies to witnesses, experts, the confidential counselor or the members of the committee.

Art. 9 Unforeseen cases

In cases for which these regulations do not provide, the Executive Board shall decide.

Art. 10 Final provisions

The committee has the authority to advise the Executive Board on matters that were an issue prior to the introduction of the Code of Conduct for Scientific Practice on January 1, 2005.

This regulation is published on the website of the TU/e.

The recommendation of the committee and the judgment of the Executive Board regarding the complaints that have been investigated by the committee since January 1, 2005, shall be published in anonymous form on the website of the VSNU, following completion of the procedure.

This regulation shall be in effect as of September 1, 2014 and supersedes all previous complaints procedures with respect to scientific integrity.

Adopted by the Executive Board on September 13, 2012 and revised on June 13, 2013 and July 10, 2014.

Appendix 1. Violations of scientific integrity

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Widespread agreement exists within the scientific community about how scientists should conduct themselves and which types of behavior must be rejected as violations of scientific integrity. In the Netherlands said agreement can be found in the 2001 memorandum of the Royal Netherlands Academy of Arts and Sciences (KNAW) on Scientific Integrity and in the VSNU Code of Conduct for Scientific Practice of 2004. Of the many International texts, the ALLEA European Code of Conduct for Research Integrity from 2011 is authoritative.

Mistakes can be made anywhere and misconduct comes in many shapes and sizes. Science can only function when all the requirements of accuracy, reliability, honesty, impartiality, responsibility and respect have been met. Scientific misconduct is damaging to the truth, to other scientists and to society. Primary responsibility to discourage misbehavior rests with the employer of the scientist, the university or the research Institute.

With respect to the types of behavior listed below, the universities declare that they categorically reject, actively discourage and, if necessary, punish these with sanctions at their disposal. Violations of scientific integrity include in any event:

1. To invent: entering fictitious data
To fabricate or invent data that are presented as actual findings obtained from research. This touches upon the core of science – establishing the truth.
2. To falsify: falsifying data and/or secretly rejecting results obtained from research
Data that are not welcomed by the scientist may never be adapted to the expectations or the theoretical results. Omission of data may only occur on the basis of demonstrably sound grounds.
3. To plagiarize (parts of) publications and results of others
Science only functions with the honest recognition of intellectual property of each individual's contribution to knowledge. This applies to the entire range from student papers and theses to scientific publications and dissertations. It not only concerns copying literally, but also paraphrasing, the omission of footnotes or sources, the covert use of data, designs and tables collected by others. Copyright gives victims the option of redress through the courts, but even when there is no (longer a) direct victim, a researcher can be sued for plagiarism.
4. Intentionally ignoring and failing to recognize contributions of other authors
is considered a form of misconduct similar to committing plagiarism. Intentional and gross violations that cannot be solved within the scientific community itself, require an independent opinion of the Committee on Scientific Integrity.

5. To falsely pose as author or co-author
A researcher may only call himself or be referred to as co-author if he has made a demonstrable contribution to the publication in the form of contributed ideas and expertise, research carried out or developing a theory. A researcher who attaches his name to a publication, shall ascertain the accuracy and integrity of the contents wherever possible.
6. To deliberately misuse (statistical) methods and/or deliberately misinterpret results
The (statistical) interpretation of research data and empirical results forms part of the scientific discourse and that also concerns the issue of whether or not said interpretation is incorrect. It can only be considered misconduct if misrepresentation of matters and presenting unfounded conclusions is persisted in, once the scientific community has reached an undisputed opinion thereof. If necessary, a Committee on Scientific Integrity may reach such a judgment together with external peers.
7. To commit attributable negligence in conducting research
It only concerns misconduct when the researcher goes beyond making errors and being careless and fails to correct his conduct following serious and well-founded criticism. A Committee on Scientific Integrity may have this investigated to ascertain whether this is the case.
8. To allow and conceal misconduct by colleagues
A researcher or manager has a duty of care towards science as a whole and in particular with respect to researchers in his immediate environment. It should be noted that relationships of authority within the science community, for example between supervisor and doctoral candidate, may not always make it easy to lodge a complaint against colleagues.