Utrecht University Academic Integrity Complaints Procedure

This complaints procedure follows the national Model Complaints Procedure Academic Integrity of the joint Dutch universities. The model regulations are not prescriptive but rather an understanding among the universities to adopt its provisions in their own regulations. The goal of the common model regulations is for each university to treat suspected violations of academic integrity as equally as possible. The principles, terminology and procedures will thereby be the same for everyone involved with complaints about suspected violations of integrity. This is important because the university is responsible for the conduct of each researcher who is or has performed academic work within its walls. The university makes itself open to all complaints about the academic integrity or its researchers and guarantees it will investigate all well-founded suspicions of misconduct.

Preamble

Everyone involved in academic teaching and research at Utrecht University shares in the responsibility for maintaining academic integrity. Everyone is expected to adhere to the general principles of professional academic practice at all times.

The Netherlands Code of Conduct for Scientific Practice (Association of Universities in the Netherlands, VSNU 2005, as amended 2012) further details these principles which are also endorsed by Utrecht University and apply as guidelines for the University within the meaning of Article 1.7 of the Dutch Higher Education and Research Act (WHW).

One way to check academic integrity is to exercise the right of complaint when employees of Utrecht University have breached or are suspected of breaching integrity.

The Executive Board has laid down these regulations in order to realise this right of complaint.

Article 1 Definitions

Violation of academic integrity: acts or omissions in violation of the Netherlands Code of Conduct for Scientific Practice among which is the conduct set out in Annex 1.

Complaint: a report of a (suspected) violation of academic integrity committed by an employee

Complainant: the person taking a complaint to the Committee, whether or not through the Executive Board or the Counsellor

Accused: The employee about whose conduct a complaint is submitted
Employee: the person who has or had a relationship of employment under the Collective Labour Agreement of Dutch Universities (CAO-NU) with the university or is or was working in some other sense under the responsibility of the university

Counsellor: the person appointed Academic Integrity Counsellor by the Executive Board

Committee: the Committee appointed by the Executive Board to handle complaints concerning the violation of academic integrity.

Article 2 General

• Everyone is entitled to submit a complaint to the Committee, whether or not through the Executive Board or the Counsellor.
• If the complaint concerns a member of the Executive Board, the complaint can be submitted to the Committee, whether or not through the Supervisory Board or the Counsellor. In such a case the Committee will make its recommendation to the Supervisory Board and the Supervisory Board will exercise the authority pursuant to Article 5.
• Everyone is obliged to further the Counsellor or the Committee all cooperation within a reasonable period of time that these may reasonably ask in the exercise of their authority.
• Everyone involved with the handling of a complaint is bound to keep confidential everything that he comes to know in the course of the complaint procedure.

Article 3 Counsellor

a. Appointment

1. The Executive Board appoints one or more counsellors for a term of four years. Each may be reappointed for one additional and contiguous term of four years.
2. Conditions for appointment are:
   a. (emeritus) professor with extensive experience in teaching and research, preferably at one or more Dutch universities;
   b. enjoys an unblemished academic reputation;
   c. can deal with differences and conflicts;
   d. the candidate is not a member of the Supervisory Board, of the Executive Board and/or Dean of Faculty.
3. the Executive Board can terminate the appointment at any time:
   - at the request of the Counsellor;
   - as a result of no longer meeting the conditions for appointment;
   - as a result of disfunctioning as Counsellor.
b. Duties

The Counsellor:

- acts as a low-threshold point of contact for questions and complaints relating to academic integrity;
- attempts where he sees opportunity to mediate in the complaint or otherwise to reach an amicable resolution;
- shows the complainant how to submit a complaint to the Committee.

c. Accountability

The Counsellor accounts for his activities to the Executive Board in an annual report that will form part of the University's annual report.
The Counsellor is bound to keep confidential any information acquired in the performance of his duties.

Article 4 Committee for Academic Integrity

a. Appointment and composition

- The Executive Board institutes a Committee on Academic Integrity.
- The Committee is formed by its Chairman and at least two other Members.
- The Chairman and the Members are appointed by the Executive Board.
- The provision under Article 3.a also applies with the proviso that a counsellor is not eligible to be appointed either Chairman or Member of the Committee.
- The appointments will be made with the goal of equal representation of the University's academic disciplines. By preference one Member will be a lawyer.
- The Committee can be enlarged temporarily when investigating a particular complaint by experts who may or may not be affiliated with the University.
- The Committee is supported internally by a lawyer.

b. Duties

The Committee for Academic Integrity investigates complaints and submits its advice about these to the Executive Board.

c. Authority

- The Committee is authorized to gather information from all employees and bodies of the University. It can request access to all documents, records, and correspondence which it deems important to deal with the complaint.
- The Committee can consult experts who may or may not be affiliated with the University. A report will be made of such consultation.
d. Procedure

1. A complaint will be handled by the Chairman of the Committee and two other Members, possibly aided by one or more expert(s).
2. Members of the Committee who are in any way involved with the persons or facts concerned with the complaint are not eligible to deal with that complaint.
3. The Committee will determine the admissibility of the complaint based on the following criteria:
   a. a clear description of the (alleged) violation of academic integrity by one or more particular employees of Utrecht University.
   b. the written or other pieces of evidence related to it.
   c. a statement of the complainant's name, title or position, and contact details.
   d. at the request of the Executive Board the Committee can investigate a complaint without knowing the identity of the complainant.
4. The Committee is authorized if it sees reason not to take up a complaint if the violation in its opinion occurred too long before or if it had already investigated this same complaint.
5. The Committee can offer the complainant the opportunity to supplement the complaint within a period of time of its choosing.
6. The Committee will render judgment on the admissibility of the complaint within three weeks of receiving it. If it should conclude it is inadmissible it will immediately so notify the Executive Board.
7. If the Committee deems the complaint to be admissible it will proceed to handle it.
   - The Committee will hear all concerned with the complaint. A report will be made of its hearings.
   - The complainant and the accused can be assisted by counsel during the hearing.
   - Both complainant and the accused will be present in the hearing unless there are compelling reasons to hear them separately. In the latter case each will be informed of what occurred in the hearing during their absence.
   - The Committee can hear witnesses and experts.
   - Hearings will not be public.
8. The Committee will issue its advice to the Executive Board within twelve weeks as to whether the complaint is well founded.

e. Accountability

The Committee accounts of its activities to the Executive Board in an annual report that will form part of the University's annual report.
The Members of the Committee and any experts consulted will keep confidential any information acquired in the performance of their duties.
Article 5 Follow-up Procedure

1. The Executive Board will render its initial judgment within four weeks of receiving the advice of the Committee. The complainant and the accused will be immediately notified of such decision in writing. The Committee's advice will be included with the initial judgment.

2. Complainant and accused have six weeks to ask the National Board for Scientific Integrity (LOWI) for its advice on this initial judgment of the Executive Board. Upon request the Committee will immediately send the LOWI copies of all documents relating to the complaint.

3. If the LOWI's advice has not been requested within the term stated under subsection 2 the Executive Board will render its final judgment on the complaint.

4. If the LOWI's advice is requested, the Executive Board will take this advice into consideration when rendering its judgment.

Article 6 Shielding Concerned Parties

The submission of a complaint pursuant to this regulation will not result in any direct or indirect harm to the complainant whatsoever, unless the complainant has not acted in good faith. The same applies to witnesses, experts, the Counsellors, and the Committee Members.

Article 7 Unforeseen circumstances

The Executive Board will decide all cases for which these regulations do not provide.

Article 8 Final Stipulations

These Regulations take effect on 1 September 2012 and replace all previous complaints procedures in the area of academic integrity.

These Regulations will be published on Utrecht University’s website.

The advice of the Committee and the judgment of the Executive Board on all complaints made and substantively investigated as from 1 September 2012 will be published on the VSNU website anonymized form once the procedure has been completed.

Annex 1: Violations of academic integrity

This is a translation of the Dutch version of the procedure. In case of a conflict between the English and Dutch version of the procedure, the Dutch version will prevail and will be binding.
Annex 1 to the Model Complaints Procedure for Academic Integrity

Violations of academic integrity

There is wide agreement within the academic community as to how scientists should conduct themselves and the conduct that should be repudiated as violations of academic integrity. That agreement is evidenced in the Netherlands by the Royal Netherlands Academy of Arts and Sciences’ 2001 Memorandum on Scientific Integrity and the 2004 VSNU Code of Conduct for Scientific Practice. Of the many international documents, the 2011 All European Academics (ALLEA) European Code of Conduct for Research Integrity is leading.

Errors are common and there are many degrees and types of misconduct. Science is possible only when all requirements for scrupulousness, reliability, honesty, impartiality, responsibility, and respect are met. Scientific misconduct causes harm to truth, other scientists, and society. The primary responsibility to counter misconduct and to sanction it as needed is borne by the researcher’s employer, the university or research institution.

The universities categorically reject, actively resist, and will punish with the means available to them the following conduct. Violations of academic integrity are understood to include:

1. fabrication: introducing fabricated data
   The fabrication or invention of data which are presented as the actual findings of research. This goes to the heart of science: the process of establishing truth.
2. falsification: the falsification of data and/or secretly elimination of data obtained from research. Any data that is unwelcome to the researcher may never be manipulated to fit expectations or theoretical outcomes. Data may be omitted only on demonstrably sound grounds.
3. plagiarism of all or part of other people’s publications and results Science works only with the honest acknowledgment of the intellectual ownership of each person’s contribution to knowledge. This applies to the entire range from student projects and papers to academic publications and dissertations. This is not confined to the literal appropriation but also includes the paraphrasing, omission of notes or citations, the unacknowledged use of data, drawings, or tables prepared by others. While copyright offers victims the opportunity for redress through the courts, a plagiarist can be prosecuted for plagiarism even if there is (no longer) any direct victim.
4. intentionally ignoring and failure to acknowledge contributions by other authors is a form of misconduct related to committing plagiarism. Wilful and flagrant violations which cannot be resolved within the academic community demand the independent judgment of the Committee for Academic Integrity.
5. wrongly presenting oneself as (co-)author
   A researcher may only be listed as a publication's co-author when he has made a
demonstrable contribution to it in the form of ideas and expertise incorporated in it, research
performed, or theorizing. A researcher who attaches his name to a publication will ascertain
the accuracy and integrity of its contents as best as possible.

6. the intentional misuse of (statistical) methods and/or the intentional misinterpretation of
   results
   The (statistical) interpretation of research data and empirical results is part of academic
discourse and also includes the question of whether or not that interpretation is wrong. It can
be labelled as misconduct only when the academic community has reached an unchallenged
judgment that there is persistent misrepresentation and presentation of unfounded
conclusions. A CWI with outside peers can reach such a judgment.

7. culpable carelessness in carrying out the research
   It can be labelled as misconduct only when the researcher goes further than error and
sloppiness and does not modify his procedure after serious and well-founded criticism. A CWI
can investigate whether this is the case.

8. permitting and concealing the misconduct of colleagues
   A researcher or director has a duty of due care with respect to the science as a whole and
particularly to the researchers in his immediate circle. It must be acknowledged that
hierarchical relationships in science, such as between supervisor and doctoral candidate, do
not always make it easy to lodge a complaint against colleagues.