The 2019 Academic Integrity Complaints Procedure, Utrecht University

Preamble

The 2018 Dutch Academic Integrity Code of Conduct (Nederlandse gedragscode wetenschappelijke integriteit 2018) sets out the leading principles for good and principled research practice and the ensuing standards for good investigation practices. Both of the above are endorsed by the institution and are to be used as guidelines by universities, as referred to in Section 1.7 of the Dutch Higher Education and Research Act (Wet op het hoger onderwijs en wetenschappelijk onderzoek (WHW)). Each individual involved in research at the institution will be responsible for safeguarding academic integrity. Everyone must continually do their utmost to ensure that standards are adhered to meticulously. If it is surmised that academic integrity has been violated, a complaint may be submitted. The institution will ensure that a proper and fair procedure is in place for the handling of complaints and subsequent decision-making on such complaints. With this object in mind, the Board of the institution has adopted the following regulations. Wherever possible, these regulations will be applied by analogy if an investigation into the possible violation of academic integrity is conducted at the request of the Board of the institution without a complaint having been submitted.

Article 1 Definitions

1.0 Code of Conduct: the 2018 Dutch Code of Conduct on Academic Integrity.

1.1 Violation of academic integrity: an act or omission that results in a violation of academic integrity within the meaning of Article 5.2 A 1, 2, of 3 of the Code of Conduct.

1.2 Complaint: a written notification of the alleged violation of academic integrity by an employee.

1.3 Complainant: an individual who approaches the Board with a complaint.

1.4 Accused: an employee about whose conduct a complaint has been submitted, or into whose actions an investigation is carried out by the Committee at the request of the Board.

1.5 Employee: an individual who is or has been in the employment of the institution, or who is or was otherwise employed under the responsibility of the institution; an employee will also be deemed to be an individual who is not employed by the institution, or who is employed by it on just a part-time basis, if they are participating in research being conducted by the institution, or publish their research under the name or responsibility of the institution. An individual who is involved in research in just a supporting role will not be deemed to be an employee.

1.6 Confidential Advisor: an individual whom the Board has appointed to the role of Confidential Advisor on Academic Integrity.

1.7 Committee: the committee that the Board has established to handle complaints on violations of academic integrity.

1.8 Board: [choose] the Executive Board of the institution / the Supervisory Board of the institution.

1.9 Supervisory Board: the Supervisory Board of the institution.

1.10 Institution: Utrecht University
Article 2 General

2.1 Everyone has the right to consult the Confidential Advisor about an alleged violation of academic integrity.

2.2 Everyone has the right to submit a complaint to the Board, which will immediately forward all such complaints to the Committee. Complaints may only be submitted if they pertain to the alleged violation of academic integrity. A complaint must sufficiently substantiate why the complainant feels that academic integrity has been violated.

2.3 The Board may ask the Committee to conduct an investigation into an alleged violation of academic integrity even if a complaint has not been submitted.

2.4 An anonymous complaint will only be handled if the Board sees cause to handle it, being of the opinion that:
   a. there are compelling public interests or that the institution or parties concerned have a compelling interest in an investigation, and
   b. it is possible to conduct an investigation of the facts without any input from the complainant.

2.5 If a complaint relates to a member of the Board, the Supervisory Board will take on the role and powers that have otherwise been placed with the Board in these regulations.

2.6 If a complaint relates to an individual who is or has been an employee of a number of institutions that have endorsed the Code of Conduct and the complaint could be investigated at a number of institutions as a result, the complaint can be handled jointly. The institutions concerned will otherwise make agreements on how the complaint is to be handled. In this situation, the Board will decide on how the complaint in question is to be handled.

2.7 Within the reasonable period of time stipulated, everyone will be required to give the Confidential Advisor or Committee the full cooperation that either can reasonably expect when exercising their powers.

2.8 Everyone who is involved in the handling of a complaint will be required to maintain the confidentiality of the content of the complaint and the information that has become known to them within the context of the complaint or procedure. This duty of confidentiality will continue to apply once the procedure has been completed, with the exception of the anonymised account of the case in annual reports or on the VSNU website. If the duty of confidentiality is infringed, the Committee or Board must attach appropriate consequences to this fact.

Article 3 Confidential Advisor

3.1 Appointment

a. The Board will appoint one or more confidential advisors for a period of four years. Reappointment for a consecutive period of four years is possible.

b. The Confidential Advisor will have an academic background, an impeccable academic reputation and be able to cope well with antagonism and conflicts. The Confidential Advisor may not have any ancillary positions that would be an obstacle to their role as a Confidential Advisor.

c. The members of the Supervisory Board, members of the Board, deans and vice-deans of the faculties and members of the Committee will not be eligible for appointment.

d. The Board may terminate an appointment before the end of the four-year term
   - at the request of the Confidential Advisor in question;
   - because an individual no longer meets the eligibility requirements for appointment;
   - due to the inadequate performance of an individual as a Confidential Advisor.
3.2 Remit

The Confidential Advisor
- acts as a low-threshold point of contact for questions and complaints about academic integrity;
- will, if possible, mediate in or otherwise try to resolve any complaints amicably;
- will tell a complainant how to submit a complaint to the Board;
- may not assist the complainant and the accused at the same time;
- will only act on behalf of the complainant or accused with their permission.

3.3 Accountability

The Confidential Advisor will account for their activities to the Board in an annual report, the contents of which will be incorporated into the annual report to be produced by the institution. In their report, the Confidential Advisor will report in general terms on the cases handled and the activities carried out. It must not be possible to identify individuals from the contents of the report. The Confidential Advisor will also be required to maintain the confidentiality of everything that becomes known to them in their capacity as a Confidential Advisor. The Confidential Advisor may only deviate from the above with the explicit permission of the complainant and the accused.

Article 4 The Committee for Academic Integrity

4.1. Appointment and composition

a. The Board will establish a Committee for Academic Integrity, consisting of a Chair and a minimum of two other members. At least one of the aforementioned should preferably be a lawyer.
b. The Chair and members will be appointed by the Board.
c. The provisions of Article 3.1 will apply mutatis mutandis, on the understanding that a Confidential Advisor will not be eligible for appointment as the Chair or member of the Committee.
d. When appointing the Chair and members, efforts will be made to achieve a balanced representation of the different academic disciplines.
e. When investigating a complaint, the Committee may temporarily be expanded to include experts or ad hoc members, who may or may not be employed by the institution.
f. The Committee will be supported by a Secretary.

4.2. Remit

The Committee for Academic Integrity will investigate complaints, assess whether academic integrity has been violated and then advise on complaints to the Board. At the request of the Board, the Committee may also carry out an investigation and advise on a particular case without a complaint having been submitted.

4.3. Powers

a. The Committee will have the power to obtain information from all employees and bodies of the institution. It can request access to or copies of all documentation and correspondence it considers important for its investigation and can, when it deems it necessary to do so, seize or have the aforementioned sealed.
b. The documentation referred to in the previous paragraph will also include data generated by the investigation into a particular complaint. If the Committee deems this necessary, parts of its investigation that are not publicly available and the corresponding data must be given to two individuals to check and inspect; the said individuals will have been designated to this end by the Committee. The individuals concerned will carry out their check and inspection under strict confidentiality and will only share their findings with the Committee. The findings in question will be set out in the advice of the Committee such that the confidentiality of the investigation or the investigation data is not compromised.
c. The Committee may consult experts or other third parties, whether or not employed by the institution. The Committee will prepare a report on all such consultations. Parties will be informed of the identity of the experts or third parties consulted.

4.4. Procedure

a. To the extent that the procedure to be observed by the Committee has not been set out in these regulations or other regulations, it will be determined by the Chair.

b. Except where Article 2.6 is the case, a complaint will be handled by the Chair of the Committee and two other members, possibly supplemented by one or more experts or ad hoc members. These experts or ad hoc members will be appointed by the Board at the request of the Committee.

c. Committee members who have had any kind of involvement with the persons or facts to which a complaint relates, or who otherwise have an interest in the case, will not be eligible to handle the complaint in question.

4.5 The initial procedure

a. After receiving a complaint, the Committee will notify the complainant and the accused in writing of its receipt of the complaint within two weeks. It will also inform everyone concerned of the procedure to be followed by the Committee and the content of the complaint.

b. The Committee will assess whether or not it can handle a complaint on the basis of the following requirements:

I. The complaint must include a clear description of the alleged violation of academic integrity by one or more employees and be accompanied by relevant written documents or other evidence;

II. The complaint must have been dated and state the name, position and contact details of the complainant. This requirement will not apply if Article 2.4 is the case.

c. If a complaint is incomplete, the Committee will give the complainant the opportunity to provide additional material within a period of time to be specified by the Committee. The period of time referred to in 4.5 f will then be extended by the period of time referred to in the previous sentence, or by the period of time in which the additional material is provided.

d. The Committee will have the power to advise the Board not to handle the substance of a complaint if:

I. too much time has expired since the alleged violation, or if the complainant has waited an unreasonable amount of time to submit their complaint. In principle, a period of 10 years will be deemed to be an unreasonable amount of time in this context;

II. the complaint has previously been investigated by it or a similar committee;

III. The complainant has breached the duty of confidentiality set out in Article 2.8.

e. The Committee will also have the power to advise the Board not to handle the substance of an investigation if it has carried out an initial assessment and concluded that:

I. the complaint is clearly unfounded;

II. the complaint clearly lacks sufficient importance;

III. the complaint relates solely to a professional difference of opinions;

IV. the complaint can only be traced back to a conflict in the workplace;

V. the complaint cannot lead to the conclusion that the actions of the accused involved a violation of academic integrity.

f. The Committee will issue its advice to the Board within four weeks, if it is of the opinion that the substance of the complaint should not be handled.

g. The Board will then decide whether or not to handle the substance of the complaint in question as soon as possible and notify the complainant and accused of its decision. If it decides not to handle the substance of a complaint, this will be an initial opinion as referred to in Article 5.1.

h. If Point f. does not apply, or if the Board decides to proceed with the handling of the substance of the complaint subject to application of Point g., the Committee will proceed to handle the substance of the complaint. In this situation, the guiding principle will be that the accused is deemed to be innocent until proven otherwise.
4.6 Handling the substance of a complaint

a. The Committee will establish whether there are any parties, other than the complainant and the accused, who are to be involved in the procedure. The Committee will hear everyone involved. It will at the very least give the complainant and the accused the opportunity to be heard.
b. The individuals in question will be heard in each other’s presence, unless there are compelling reasons to hear them separately. In this situation, each of them will be notified of what was raised during the hearing that took place without their presence.
c. A written report will be prepared of each hearing, concisely describing what was said at the hearing in question.
d. The Committee can make audio recordings of a hearing, solely as an aid for the preparation of its report. All such recordings will be destroyed once the Board has expressed its final opinion. No party other than the Committee may make audio recordings during a hearing.
e. During a hearing, the complainant and the accused can enlist assistance but cannot arrange to be represented by someone else.
f. The Committee can hear witnesses and experts or ask experts to prepare written expert reports.
g. With a view to the fair handling of a complaint, all relevant information that the Committee gathers will be made available to everyone concerned, unless the Committee sees serious cause to deviate from this rule. The reasons for not making certain information available will be set out in the Committee’s advice.
h. None of the hearings or other sessions of the Committee will be public.
i. The Committee will issue a report on its findings to the Board and advise on the validity of a complaint within 10 weeks of the date on which it is received. When preparing its report, the Committee will consider the assessment criteria set out in Article 5.2 C of the Code of Conduct. The Committee will be able to extend the 10-week period by four weeks, in which case it will notify everyone concerned of the extension. A further extension will be possible if everyone concerned agrees to it in writing.

4.7 Accountability

The Committee will account for its activities to the Board in an annual report, the contents of which will be incorporated into the annual report to be produced by the institution. In their report, the Confidential Advisor will report in general terms on the cases handled and the activities carried out. It must not be possible to identify individuals from the contents of the report. The Committee members and any experts consulted will also have a duty of confidentiality in respect of that which becomes known to them in their capacity as Committee members and experts. The Confidential Advisor may only deviate from the above with the explicit permission of the complainant and the accused.

Article 5 The rest of the procedure

5.1 The Board will establish its initial opinion as soon as possible, but always within four weeks of the date on which it receives the advice of the Committee. It will notify the complainant, the accused and any other interested parties of its opinion immediately in writing. The findings report and the advice of the Committee will be included with the initial opinion.

5.2 The complainant, accused and any other interested parties can ask the National Body for Academic Integrity (Landelijk Orgaan voor Wetenschappelijke Integriteit (LOWI)) to advise on an initial opinion within six weeks of the date of said initial opinion.

5.3 If the advice of the LOWI has not been requested within the period of time referred to in 5.2, the Board will establish its final opinion on the complaint.
5.4 If the advice of the LOWI has been requested, the Board will take its advice into consideration when arriving at its final opinion.

5.5 The opinion of the Board will be published on the website of the VSNU, together with the findings report and the advice of the Committee, in an anonymised format once the procedure has been completed.

**Article 6 Protection of the parties concerned**

The Board of the institution will ensure that the rights of the complainant and accused are protected and that their career prospects, etc. are not affected unnecessarily. The same will apply for any other interested parties, witnesses, experts, the confidential advisors or the Committee members.

**Article 7 Final provisions**

These regulations will take effect on 1 November 2019 and will replace all previous complaints procedures on academic integrity if complaints are submitted on or after this date.