

## VU-VUMC ACADEMIC INTEGRITY COMPLAINTS PROCEDURE – JANUARY 2016

### Preamble

All parties involved in teaching and research within Vrije Universiteit Amsterdam (VU Amsterdam) and VU University Medical Center Amsterdam (VUmc) have their own responsibility in maintaining academic integrity. General principles of professional, academic conduct must be observed at all times in this respect. The Netherlands Code of Conduct for Scientific Practice (Association of Universities in the Netherlands (VSNU) 2004, revised in 2012 and 2014) fleshes out these principles, which are endorsed by VU and VUmc and which constitute guidelines for the University within the meaning of Article 1.7 of the Dutch Higher Education and Research Act.

One of the means of reviewing academic integrity is the right to complain if the University's staff members breach the academic integrity principles (or are suspected of doing so). To effectuate this right of complaint, the Executive Board (hereinafter, 'ExB') has adopted the complaints procedure below in consultation with the Governing Board (hereinafter, 'GvB'). The Academic Integrity Complaints Procedure applies to the academic research and education and the social services provided at VU and VUmc. This procedure is being implemented in compliance with specific laws and other binding regulations, such as regulations on patient data confidentiality and regulations regarding research involving human subjects. For VUmc, this procedure is predicated on Article 9a.11 of the UMC Collective Labour Agreement.

### Article 1 Definitions

- 1.1 Breach of academic integrity: actions or failure to take action in violation of the Netherlands Code of Conduct for Scientific Practice, including in any event the conduct stated in Annex 1.
- 1.2 AI confidential counsellor: the person designated by the Executive Board as the confidential counsellor for academic integrity.
- 1.3 Committee: the committee established by the Executive Board to furnish advice on complaints concerning breaches of academic integrity.
- 1.4 Staff member: a person who performs (or performed) research, provides (or provided) teaching or furnishes (or furnished) social services under the University's responsibility, whether or not within the context of an employment contract with VU Amsterdam or VUmc.
- 1.5 Executive Board: VU Amsterdam's Executive Board (abbreviated below as 'ExB').
- 1.6 Governing Board: VUmc's Governing Board in Amsterdam (abbreviated below as 'GvB').
- 1.7 Supervisory Board: VU Amsterdam's Supervisory Board.

- 1.8 Complaint: a report of conduct or the failure to take conduct by the University's or University Medical Center's staff members or administrative bodies or by students (or a report of a suspicion of such conduct or failure to take conduct) which violates the general principles of professional, academic conduct, as described in the 'Academic Integrity Memorandum' by the Royal Netherlands Academy of Arts and Sciences (KNAW) and the 'Netherlands Code of Conduct for Scientific Practice' by VSNU and consistent with ALLEA's 'European Code of Conduct for Research Integrity'. Under Article 7.12b(2) of the Higher Education and Research Act, reports about examination misconduct by students do not fall under this complaints procedure.
- 1.9 Complainant: the person submitting a complaint to the ExB or VU's or VUmc's Supervisory Board.
- 1.10 Respondent: the staff member, administrative body or student about whose conduct a complaint has been filed.

## Article 2 General

- 2.1 Anyone may file a complaint with the ExB. The ExB shall forward the complaint immediately to the committee.
- 2.2 If the complaint pertains to an ExB or GvB member, the complaint may be filed with VU Amsterdam's or VUmc's Supervisory Board. In that case, the committee shall issue advice to the Supervisory Board concerned and it shall exercise the powers given to the ExB under this complaints procedure.
- 2.3 Without prejudice to the provisions in the law or other binding regulations, each person must, within the reasonable period stated, provide any cooperation to the committee which it may reasonably request in exercising its powers.
- 2.4 Any party that is officially involved in handling a complaint must maintain the confidentiality of what has been disclosed to him/her/it during the complaints procedure, except as provided for in Articles 3.3, 4.5 and 5.4(h) of this complaints procedure.
- 2.5 From the time that the committee's investigation into a complaint starts until the time that the ExB takes a decision, the complainant and respondent must maintain the confidentiality of what has been disclosed to them about the case. After the decision, the aforementioned persons must continue to exercise restraint to prevent harm from being done to the respondent's academic reputation. This shall be all the more true if the complaint is unfounded. The confidentiality obligation for the complainant and/or respondent shall be extinguished if information (damaging or otherwise) about a case has been made public without the party concerned's involvement.

## Article 3 Confidential counsellor

### 3.1 Appointment

- (a) After consulting with the College of Deans, the ExB shall, for each cluster, appoint two confidential counsellors (for the medical cluster, three) for a two-year period. Reappointment shall be possible. A reappointment shall explicitly be affirmed by the ExB. The confidential counsellors shall be appointed on the Faculty Boards' recommendation.
- (b) Confidential counsellors shall have academic backgrounds and senior statuses and shall have academic reputations which are beyond reproach. They must also be well known at least within their own faculties, be able to deal well with contradictions and conflicts and be able to operate independently. Further, they must be able to render sound advice.
- (c) The ExB may terminate the appointment early:
  - (i) at the confidential counsellor's own request;
  - (ii) because the confidential counsellor no longer satisfies the requirements for appointment;
  - (iii) because the confidential counsellor has performed unsatisfactorily.
- (d) ExB members, GvB members, faculty deans and vice-deans, faculty portfolio holders, department heads, division chairpersons and research directors may not be appointed as confidential counsellors.

### 3.2 Duties

- (a) The confidential counsellor shall serve as the contact person for questions about academic integrity in education, research and social services within VU Amsterdam and VUmc.
- (b) The confidential counsellors shall assist complainants (and potential complainants) and respondents (and potential respondents). They shall act solely in the interest of the party seeking out their assistance. They shall not be bound by a faculty in performing their duties.
- (c) If a complaint has been filed, the confidential counsellor may act as a mediator between the complainant and respondent or otherwise attempt to resolve the complaint amicably, provided the confidential counsellor does this with the consent of the party assisted.
- (d) If there is cause to do so, the confidential counsellor shall advise the person to file a complaint with the ExB or GvB and shall assist the complainant with this.
- (e) Confidential counsellors shall keep secret anything disclosed to them in confidence or which they should understand to be confidential, unless the party disclosing this to them consents to this information being shared with certain persons.

- (f) In connection with a matter presented to them, confidential counsellors may, with a view to their own role, consult with at most one other confidential counsellor. Moreover, they may consult with the committee's secretary. Notwithstanding the provisions under (e), they may also share confidential information in these situations without the permission of the party which disclosed it. The other confidential counsellor concerned and the committee's secretary must keep secret such confidential information.

### **3.3 Accountability**

The confidential counsellors shall subsequently give an account of their work to the ExB in an annual joint report, which describes in general terms the cases handled and activities performed. It must not be possible to identify individual persons from the report. Confidential counsellors must otherwise keep secret anything disclosed to them in that capacity. This may only be derogated from with the complainant's and respondent's express permission.

## **Article 4 Academic Integrity Committee**

### **4.1 Appointment and composition**

- (a) The ExB shall establish an academic integrity committee, consisting of a chairperson and at least four members, who, in connection with their current (or possibly former) academic positions are able to perform these duties independently. The committee's members shall be current (or former) employees of VU Amsterdam and/or VUmc. At least one of them shall be a lawyer, at least one of them shall work (or have worked) at VUmc and at least one of them shall be a doctor. At least three permanent members, including in any event the chairperson or deputy chairperson, shall be involved in each case which is taken up.
- (b) The ExB shall appoint the chairperson and other members of the committee. They shall be appointed for two years. Reappointment shall be possible. A reappointment shall explicitly be affirmed by the ExB.
- (c) The chairperson and members shall have academic backgrounds and shall have academic reputations which are beyond reproach. The provisions in Article 3.1(b) through (d) shall apply by analogy.
- (d) The persons appointed should reflect a diverse representation of the University's academic areas.
- (e) A confidential counsellor may not be appointed as a committee member.

- (f) For purposes of the investigation of a complaint, the committee may be expanded with ad hoc members, who work at VU Amsterdam or VUmc or not. These members shall be nominated by the standing committee's chairperson, after consultation with the ExB, and shall be appointed by the ExB. The provisions in Article 3.1(b) through (d) shall apply by analogy.
- (g) The committee shall designate one or more deputy chairpersons from among its members.
- (h) The committee shall have an official secretary.

#### **4.2 Duties**

The committee shall investigate complaints at the ExB's instruction and shall issue advice to the ExB on these.

#### **4.3 Powers**

Without prejudice to the provisions in the law or other binding regulations, the committee may, during all phases of the handling of the complaint:

- (a) obtain information from any of VU Amsterdam's or VUmc's employees or bodies;
- (b) ask to inspect any documentation or correspondence which it deems relevant in assessing the complaint;
- (c) take possession of documentation or correspondence or have this copied or sealed if it deems this necessary in the interest of the investigation and the measures detailed under 4.3a and 4.3b do not suffice;
- (d) consult with experts or third parties working or not for VU Amsterdam or VUmc.

#### **4.4 Procedures**

- (a) Insofar as the committee's procedures are not set forth in this complaints procedure or other regulations, such procedures shall be determined by the chairperson.
- (b) Complaints may be investigated by the committee as a whole or by a sub-committee on the committee's behalf. The sub-committee shall at least include the chairperson or a deputy chairperson and two members and/or ad hoc members. The chairperson shall determine the sub-committee's composition on a case-by-case basis.
- (c) Committee members who are involved in any way with the persons or in the facts to which the complaint pertains may not participate in the investigation into the complaint.

#### **4.5 Accountability**

The committee shall subsequently give a general account of its work to the ExB in an annual report. Notice of this report shall be provided to the College of Deans, VU's Staff Council and University Student Council and VUmc's Staff Council.

#### **Article 5 Handling of the complaint**

##### **5.1 Formal handling of the complaint**

- (a) The ExB shall forward a complaint which has been received to the committee. After receiving the complaint, the committee shall provide written notice to the complainant, respondent and dean of the relevant faculty within ten business days that it shall investigate the complaint and shall inform the aforementioned parties about the procedure to be followed and the substance of the complaint.
- (b) A complaint shall not be taken up if the following conditions have not been met:
  - i. the complaint includes a clear description of the asserted breach of academic integrity by a staff member, administrative body or student;
  - ii. the complaint is dated and indicates the complainant's name, title and contact information.
- (c) The committee may give the complainant the opportunity to supplement the complaint within a period set by it, so that the complaint will then satisfy the conditions referred to under (b).
- (d) Notwithstanding the provisions under (b)(ii), the committee may investigate a complaint without knowing the identity of the complainant, provided the confidential counsellor does in fact know who the complainant is. Correspondence shall go through the confidential counsellor. In assessing whether an anonymous complaint is allowable, the committee shall balance the complainant's and respondent's interests.
- (e) As soon as possible after receiving the complaint, but in any event within four weeks, the committee shall assess whether the complaint is allowable and shall issue advice on this to the ExB, with a copy to the dean of the relevant faculty. If advice on the allowability cannot be given within four weeks, the chairperson (or deputy chairperson) shall inform the complainant, respondent, dean of the relevant faculty and ExB of this, stating the reasons. The assessment period may, no more than twice, be extended by at most four weeks, with the interested parties being informed of the extension with a statement of reasons.

- (f) The committee need not further investigate a complaint and issue advice without having heard the complainant and respondent if, in its judgment:
  - i. the complaint is obviously not sufficiently important;
  - ii. the complaint is obviously unfounded;
  - iii. the complaint was sufficiently investigated previously by the committee or a similar committee.
- (g) If the committee reaches one of the conclusions mentioned under (f), it shall immediately advise the ExB to dismiss the complaint.
- (h) If the committee recommends that the complaint be dismissed, the ExB may instruct the committee to nevertheless investigate it. If, after receiving the committee's advice, the ExB decides to dismiss the complaint, it shall inform the complainant, respondent and dean of the relevant faculty by sending them a decision which is supported by reasons.

## **5.2 Substantive investigation of the complaint**

- (a) If the committee initiates an investigation into a complaint, it shall notify the ExB, dean of the relevant faculty, complainant and respondent.
- (b) The committee shall hear the persons who, in its estimation, are involved in the complaint. The committee shall in any event give the complainant and respondent the opportunity to be heard.
- (c) A written report shall be drawn up of the hearing. The statements made at the hearing shall be conveyed succinctly in this report. The report shall be sent to the person heard and signed by him/her. The comments on the report made by the person heard within a period set by the committee shall be incorporated by the committee into its findings report or mentioned by it in this report. If the person heard refuses to sign the report, this shall be mentioned in the report, if necessary, with a statement of the reasons.
- (d) The complainant and the respondent may be assisted, but not represented, during the hearing.
- (e) The parties shall be heard separately and in person. The committee may decide that the complainant and respondent shall be heard in each other's presence.
- (f) If the parties are heard separately, the committee shall apprise the complainant and respondent of what was discussed during the hearing while they were not there, by sending them the written report.
- (g) The committee may hear witnesses and experts and may ask experts to provide expert reports.
- (h) The committee's hearings shall not be open to the public.

### **5.3 Withdrawal of the complaint**

- (a) At any time while the investigation is going on, the complainant may withdraw the complaint by sending a written statement to the committee. If the committee believes that the complaint withdrawn by the complainant need not be investigated further, it shall inform the respondent, ExB and the dean of the relevant faculty immediately.
- (b) If, after the complaint is withdrawn, there is, in the committee's view, still reason to investigate the complaint further, the committee may do so. If the committee decides to further handle a complaint which has been withdrawn by a complainant, it shall inform the complainant, respondent, ExB and the dean of the relevant faculty immediately.

### **5.4 Report of findings and advice**

- (a) After completing an investigation, the committee shall write a report of findings.
- (b) The findings report shall at least include:
  - i. the reports of the hearings conducted, reports requested and the documents relevant to the complaint as referred to in Articles 4.3(b) and (c);
  - ii. a statement of the conclusions drawn from this by the committee.
- (c) The advice shall include the assessment of the complaint by the committee (well-founded or unfounded) and any recommendations to the ExB.
- (d) Before it sends the report of findings to the ExB, the committee shall present the draft report to the complainant and respondent. The comments made by the complainant and respondent within a period set by the committee shall be incorporated by the committee into its findings report or mentioned by it in this report.
- (e) Neither the advice nor the findings report shall be made public.
- (f) The committee shall furnish the ExB with a version of the findings report and advice in which the specific names have been deleted, which version shall be intended for publication.
- (g) After the procedure is completed, the ExB shall publish on VSNU's website the version of the report with the specific names deleted and the ExB's judgment with the specific names deleted.
- (h) The ExB may choose to publish these documents in non-anonymous form for compelling reasons.



#### **Article 6 Follow-up procedure**

- (a) Within four weeks after receiving the committee's advice, the ExB shall determine its judgment.
- (b) The complainant, respondent and dean of the relevant faculty shall immediately be given written notice of the judgment. The complainant and respondent shall receive the committee's advice and the final report of findings.
- (c) Within six weeks from the date of the notice from the ExB, the complainant and respondent may ask the National Board for Research Integrity (LOWI) to issue advice on the ExB's judgment, insofar as this relates to a breach of academic integrity.  
If requested, the committee shall immediately send LOWI a copy of all documents pertaining to the complaint.
- (d) The request to LOWI to issue advice shall not have suspensive effect by operation of law. On its own initiative or at the respondent's request, the ExB may decide to defer any measures imposed until the advice is issued.

#### **Article 7 Protection of the parties concerned**

Filing a complaint under this complaints procedure may not result in any harm whatsoever, direct or indirect, to the complainant, unless the complainant has not acted in good faith. VU Amsterdam's or VUmc's whistleblower regulations shall apply to the complainant, as well as to witnesses, experts and committee members. The ExB shall monitor this to the best of its ability.

#### **Article 8 VUmc's involvement**

If the complainant and/or respondent is a VUmc staff member or student, then, where actions or decisions are assigned to the ExB for purposes of the application of this complaints procedure, the ExB and the GvB shall act jointly.

#### **Article 9 Unforeseen situations**

In situations not provided for by these regulations, the ExB shall decide the matter, except with respect to the provisions in Article 4.4(a) concerning the committee's procedures.

#### **Article 10 Final provisions**

- a) This complaints procedure shall take effect on 1 January 2016 and shall replace any previous complaints procedures relating to academic integrity.
- b) This complaints procedure shall be published on VU Amsterdam's and VUmc's websites.

[In the event of any conflict or discrepancy between the English version of the Academic Integrity Complaints Regulations \(January 2016\) and the original Dutch document, the Dutch version shall prevail.](#)

## Annex 1. Breaches of academic integrity – VSNU

There is broad consensus in the academic community about how people in academia should conduct themselves and which behaviour must be rejected as breaching academic integrity. In the Netherlands, such consensus is expressed in KNAW's Academic Integrity Memorandum from 2001 and VSNU's Code of Conduct for Scientific Practice from 2004 (revised in 2012 and 2014). ALLEA's European Code of Conduct for Research Integrity from 2011 occupies a prominent place among the many international texts on this subject.

Mistakes happen everywhere, and misconduct takes many shapes and forms. The academic world can only function properly if all the requirements of scrupulousness, trustworthiness, fairness, impartiality, responsibility and respect are met. Academic misconduct undermines the truth, other academicians and society as a whole. The party with primary responsibility for combatting and, if necessary, punishing misconduct is the researcher's employer, the university or the research institute. The universities hereby state that they categorically reject and will actively fight the behaviours listed below, punishing these behaviours, if necessary, with the sanctions at their disposal.

'Breaches of academic integrity' include at any rate the following misconduct:

### *1. Fabrication: inputting fictitious data*

This refers to fabricating or making up data which is presented as research findings actually obtained. Such misconduct strikes at the heart of academic research and fact-finding.

### *2. Falsification: falsifying data and/or secretly rejecting research results which have been obtained*

Data which is displeasing to the researcher may never be adjusted to the expectations or hypothetical results. Data may only be omitted for demonstrably good reasons.

### *3. Plagiarizing publications and other people's results (in whole or in part)*

Fair recognition of the intellectual property represented by each person's individual contribution to the knowledge is a cornerstone academic principle. This applies to the entire range of student papers and theses up to academic publications and dissertations. This concerns not only verbatim copying, but also paraphrasing, omitting notes or source references, and secretly using data, designs or tables compiled by others. Copyright law enables victims of plagiarism to obtain satisfaction through the courts, but even if there is not any direct victim (or no longer any direct victim), a researcher can still be charged with plagiarism.

### *4. Intentionally ignoring or not recognizing other authors' contributions*

This is a form of misconduct which is related to plagiarism. Intentional, gross violations which cannot be resolved within the academic community itself must be presented to the Academic Integrity Committee for an independent judgment.

*5. Misrepresenting one's self as the author or co-author*

A researcher may only be listed (or allow himself/herself to be listed) as the co-author of a publication if the researcher made a demonstrable contribution in the form of ideas and expertise contributed, research conducted, or theorization. A researcher who ties his/her name to a publication must, insofar as possible, assure himself/herself of the correctness and integrity of the content.

*6. Deliberately using statistical or other methods incorrectly and/or deliberately interpreting results incorrectly*

The statistical or other interpretation of research data and empirical results is an element of the academic discourse, which also includes the question whether the interpretation is right or not. This only becomes misconduct if the researcher persists in misrepresenting matters and presenting unjustified conclusions after the academic community has reached a judgment on this issue which is undisputed. If necessary, an Academic Integrity Committee with external peers may reach such a judgment.

*7. Committing blameworthy negligence in performing research*

Misconduct only comes into the picture if the researcher goes beyond mistakes and sloppiness and does not adjust his/her behaviour after serious, well-founded criticism. An Academic Integrity Committee may have an investigation conducted into whether this is the case.

*8. Allowing and concealing misconduct by colleagues*

A researcher or administrator has a duty of care towards the academic world as a whole and, in particular, towards the researchers in his/her direct environment. To be sure, relationships of authority in academia, for instance, between supervising professors and PhD students, make it difficult sometimes to lodge complaints about colleagues.