

# Complaints Procedure Scientific Integrity University of Humanistic Studies

## Preamble

The Netherlands Code of Conduct for Scientific Integrity 2018 lays down the guiding principles of good and honest scientific practice and the resulting standards for good research practices. This code has been endorsed by the University of Humanistic Studies and serves as guidelines as referred to in article 1.7 of the WHW.

The Netherlands Code of Conduct for Scientific Integrity came into force on 1 October 2018. On investigations started before 1 October 2018, the Netherlands Code of Conduct for Scientific Practice (revised version of 2014) will be used as a frame of reference in the assessment of the complaint.

Within the institution, all those involved in research bear personal responsibility for upholding scientific integrity. Everyone should always strive to ensure that the standards are met. If it is suspected that scientific integrity has been violated, a complaint can be made about this. The institution ensures a careful and fair procedure for the handling of complaints and the subsequent decision-making. For this purpose, the institution's Executive Board has adopted the following regulations. These regulations are applied by analogy as much as possible if an investigation into a possible infringement of scientific integrity is initiated at the request of the institution's management without a complaint having been submitted.

These regulations are based on the model established by the joint Dutch universities.

## 1. Definitions

### *Code of conduct*

Netherlands Code of Conduct for Scientific Integrity 2018

### *Violation of scientific integrity*

Act or omission constituting a violation of scientific integrity within the meaning of section 5.2 under A 1, 2, or 3 of the Netherlands Code of Conduct for Scientific Integrity

### *Complaint*

A written report of non-compliance with the standards set forth in chapter three of the Code of Conduct committed by an employee of the university

### *Complainant*

The person who submits a complaint to the Executive Board

### *Accused*

The employee about whose conduct a complaint has been submitted, or about whose conduct an investigation is being carried out by the committee at the request of the Executive Board

### *Staff member*

A person who is or has been employed by the university or who is or has been employed in any other way under the responsibility of the university; this includes all extra-ordinary professors, PhD candidates and other persons who are not, or only part-time, attached to the institution insofar as they participate in the research of the institution or publish their research under the name or responsibility of the institution. Persons involved in research only in a supporting role are exempted.

### *Confidential advisor*

The person appointed as a confidential advisor on scientific integrity by the Board

### *Committee*

The committee set up by the Executive Boards of the universities to deal with complaints regarding breaches of scientific integrity.

### *Universities*

Theological University Apeldoorn, Theological University Kampen, the Protestant Theological University and the University for Humanistic Studies

### *University / institution*

the University for Humanistic Studies

### *Executive Board*

the Executive Board of the university

### *Supervisory Board*

The Supervisory Board of the university

## **2. General**

- 2.1. Anyone has the right to consult the confidential advisor in the event of suspected non-compliance with the standards set forth in chapter three of the Code of Conduct
- 2.2. Anyone has the right to submit a complaint to the Executive Board, which will forward the complaint to the committee without delay. A complaint can only be submitted about an alleged infringement of scientific integrity. The complaint must sufficiently substantiate why the complainant believes that the standards of chapter three of the Code of Conduct have not been met by the defendant
- 2.3. The Executive Board may, based on its own suspicions or on signals received by it, also without a complaint having been filed, request the Committee, with reasons, to conduct a (further) investigation into an alleged non-compliance with the standards of chapter three of the Code of Conduct. In that case, these regulations are applied by analogy as much as possible.
- 2.4. An anonymous complaint is only taken up if the Executive Board sees cause to do so, because the Executive Board is of the opinion that serious public interests or serious interests of the institution or of those involved so require, and the investigation of the facts can take place without input from the complainant.
- 2.5. If the complaint relates to a member of the Executive Board, the committee will advise the Supervisory Board. In that case the Supervisory Board and exercises the powers that are vested to the Executive Board in these regulations.
- 2.6. If the complaint relates to someone who is or has been an employee of several institutions that have endorsed the Code of Conduct, and the complaint could therefore be investigated at several institutions, a joint complaint handling may take place or the institutions involved may make other arrangements about the complaint handling. In that case, the Executive Board decides on the method of handling.

2.7. Anyone is obliged to provide the confidential counsellor or the committee with all the cooperation they may reasonably request in the exercise of their powers within the reasonable period of time stipulated.

## 2.8 Secrecy

- a. Everyone involved in the handling of a complaint is bound to maintain secrecy regarding the contents of the complaint and information disclosed in connection with the complaint or the procedure.
- b. The members and the secretariat of the committee are obliged to keep secret any information which comes into their possession in the performance of their duties and of which they know or should reasonably suspect the confidential nature. The duty of secrecy referred to in the previous sentence also applies to experts and other third parties involved in handling the complaint. Only with the explicit consent of the complainant and defendant may this be deviated from.
- c. In any case, the parties are obliged to maintain secrecy regarding the complaint, the Committee's recommendation, the initial opinion of the Board, any documents exchanged through the LOWI, and other documents exchanged, from the time the complaint is submitted until the final opinion is announced. This duty of secrecy also applies after the conclusion of the procedure, with the exception of the anonymized representation of the Committee's opinion, the Board's final judgment and any opinion of the LOWI in annual reports of the Committee or on the website of the University and the Association of Universities of the Netherlands. Only with the explicit consent of the complainant and the accused may this be deviated from.
- d. If the duty of secrecy referred to in this article is violated, the committee or the Board may draw the conclusions it deems advisable. Violation of the duty of secrecy by the complainant may be grounds for inadmissibility of the complaint.
- e. The duty of secrecy referred to in this article does not apply to confidential information that:
  - i. was already publicly accessible at the time it was obtained;
  - ii. subsequently became publicly accessible through no fault or negligence of the parties;
  - iii. was obtained from third parties entitled to disclose or provide it;
  - iv. may be released with the written consent of the Parties; and/or
  - v. a party is required to disclose by or pursuant to any provision of law, by virtue of a final judgment of the competent governmental court or an otherwise binding and final decision of any governing body (other than the relevant Institution). In such a case, only that part of the confidential information shall be disclosed which is described in the relevant provision or decision and then only to the bodies, authorities and (legal) persons named therein.
- f. The secrecy obligation referred to in this article is further not applicable in case:
  - i. it concerns an exchange in the context of the employment law legal relationship between a Party and his/her employer;
  - ii. the disclosure is made for the protection of a legitimate important public interest which should be protected

## 3. Confidential Advisor

### 3.1. Appointment

- 3.1.1. The Executive Board shall appoint one or more confidential advisors for a period of four years. Reappointment for a consecutive period of four years is possible.
- 3.1.2. The confidential advisor shall have a scientific background, shall be of irreproachable scientific reputation and shall be able to deal with contradictions and conflicts. The

confidential advisor may not hold any other positions which could interfere with the functioning as confidential advisor.

3.1.3. Members of the Supervisory Board, members of the Executive Board, chairmen of the chair groups and members of the Committee are not eligible for appointment.

3.1.4. The Executive Board may terminate the appointment prematurely

- at the confidential counsellor's own request;
- due to no longer meeting the requirements for appointment;
- for misconduct as a confidential counsellor.

3.2. Tasks

The Confidential advisor

- acts as a low-threshold contact point for questions and complaints about scientific integrity
- tries to mediate, if possible, or otherwise resolve the complaint
- shows the complainant the way to file a formal complaint with the Executive Board
- shall not assist both the complainant and the defendant
- shall only perform acts for the benefit of the complainant or the accused with their consent

3.3. Accountability

The Confidential advisor gives account of the activities to the Executive Board in an annual report for the annual report of the university. The report shall contain a general account of the cases handled and activities carried out. The report may not be traced back to any individual. The confidential advisor is also obliged to observe secrecy about everything that has come to his or her attention in this capacity. Only with the explicit consent of the complainant and defendant can this be deviated from.

4. Committee on Scientific Integrity

The Executive Boards of the universities establish a Committee on Scientific Integrity whose task is to investigate complaints and to issue recommendations to the board of the institution in question. The composition, duties, powers and working methods of the Committee are laid down in separate regulations drawn up by the universities.

5. Follow-up procedure

5.1. The Executive Board shall adopt its initial decision as soon as possible, but in any case within four weeks of receiving the Committee's recommendation. It shall immediately inform the complainant, the defendant and any other interested parties in writing. The report of findings and the recommendation of the committee shall be sent with the initial opinion.

5.2. The complainant, the defendant and any other interested parties may ask the National Council for Scientific Integrity (LOWI) to give its opinion on the Executive Board's initial judgment. A period of six weeks applies to this, starting on the date of the date of the (initial) judgment.

5.3. If the LOWI's advice has not been requested within the period referred to under 5.2, the Executive Board will adopt its final decision on the complaint.

5.4. If the advice of the LOWI is requested, the Executive Board will take the advice of the LOWI into account in its final judgment. In that case, the final judgment will be prepared within four weeks of receipt of the LOWI's opinion.

5.5. After completion of the procedure, the opinion of the Executive Board, together with the report of findings and the advice of the committee, is published anonymously on the UNL website and the university's website.

**6. Protection of data subjects**

The Executive Board shall ensure that the rights of the complainant and defendant are protected and that they are not unduly disadvantaged in their career prospects or otherwise. The same applies to any other interested parties, witnesses, experts, the confidential advisors or the committee members.

**7. Final provisions**

- 7.1. These regulations will come into force on 1 March 2023 and will replace all previous complaints regulations in the area of scientific integrity as far as complaints are concerned that are submitted to the Executive Board on or after this date. Complaints filed before the effective date of these regulations will be handled in accordance with the regulations in effect at the time of filing.
- 7.2. These regulations and the Regulations of the Scientific Integrity Committee of the Dutch Universities Network are published on the website of the university.

Thus adopted by the Executive Board on February 23, 2023

The official original version of these regulations is in Dutch. In the event of discrepancies or ambiguity between the original Dutch version of these Regulations and this translation, the Dutch text shall prevail.