

Regulations for Integrity in Science and Scholarship Radboud University Nijmegen

Preamble

All parties involved in education and research at the Radboud University Nijmegen have their own responsibility in preserving integrity in science and scholarship. Therefore, the general principles of professional academic conduct will have to be complied with at all times.

These principles, which were laid down in the *Nederlandse Gedragscode Wetenschapsbeoefening* (Netherlands Code of Conduct on Scientific Practice, VSNU 2004, adapted in 2012), are also endorsed by the Radboud University Nijmegen and serve as guidelines for the university as referred to in article 1.7 of the *Wet op het Hoger Onderwijs en Wetenschappelijk Onderzoek* (Higher Education and Research Act).

One of the means available to test academic integrity is the right to complain if a member of the university staff violates, or is suspected to be violating, principles of academic integrity.

To effect this right to complain the Executive Board has laid down the following regulations, in consultation with the Board of Governors. These regulations are not related to the conduct and circumstances referred to in the *Regeling Ongewenst Gedrag* (Regulations Undesirable Conduct) or the *Klokkenluidersregeling* (Whistleblower Regulations) of the Radboud University Nijmegen or the conduct and circumstances referred to in the *Regeling Ongewenste Omgangsvormen* (Regulations Undesirable Behaviour), the *Code Conflicterende Belangen* (Conflict of Interests Code) or the *Klokkenluidersregeling* (Whistleblower Regulations) of the UMC St Radboud respectively. The present regulations apply both to any research performed at the Radboud University Nijmegen and to any scientific research performed at the University Medical Centre St Radboud. Implementation of these regulations will not affect special legislation and other binding regulations, such as regulations concerning confidentiality of patient's details and regulation with respect to research involving human subjects. For the UMC St Radboud these regulations are based on article 9a.11 of the UMC Collective Agreement.

Article 1 Definitions

- 1.1 Violation of academic integrity: an act or omission in violation of the *Nederlandse Gedragscode Wetenschapsbeoefening* (Netherlands Code of Conduct on Scientific Practice), including at all times the conduct listed in appendix 1.
- 1.2 Confidential adviser: the party appointed by the Executive Board as confidential adviser on academic integrity.
- 1.3 Committee: the committee established by the Executive Board to handle complaints concerning violations of academic integrity.
- 1.4 Member of staff: the person that is or used to be employed by the university or that carries out or used to carry out research in any other context, or that performs or used to perform activities subject to the university's responsibility. A member of staff is also understood to mean a person that is or used to be employed by the UMC St Radboud or that carries out or used to carry out research, or that performs or used to perform activities subject to the UMC St Radboud's responsibility, in so far as conducting scientific research is concerned or the way in which this research is conducted.

- 1.5 Executive Board: the executive board of the Radboud University Nijmegen.
- 1.6 The Board of Governors: the board of governors of the UMC St Radboud.
- 1.7 Dean FMS-UMC: the dean of the Faculty of Medical Sciences of the Radboud University Nijmegen, also member of the Board of Governors of the UMC St Radboud.
- 1.8 Board of the Foundation: the board of the Foundation (*Stichting Katholieke Universiteit*).
- 1.9 Complaint: a notification of a Violation or suspected Violation of academic integrity committed by a Member of staff.
- 1.10 Complainant: the person that addresses the Executive Board, the Confidential adviser or the Executive Board of the Foundation.
- 1.11 Defendant: the Member of staff concerning whose conduct a complaint has been filed.

Article 2 General

- 2.1 Everyone is entitled to file a complaint to the Executive Board, with or without the intervention of the Confidential adviser. The Executive Board will promptly send the complaint to the Committee for advice.
- 2.2 If the complaint concerns a member of the Executive Board or the Board of Governors, the complaint may be filed to the Board of the Foundation, with or without the intervention of the Confidential Adviser. In that event the Committee will give its recommendations to the Board of the Foundation and said Board will exercise the powers which have been vested in the Executive Board pursuant to these regulations.
- 2.3 Notwithstanding any provisions in the law or other binding regulations, everyone is held to cooperate fully, within any reasonable period of time set, with the Confidential adviser and with the Committee, as may be reasonably required for the performance of their duties.
- 2.4 Everyone involved in handling a complaint will be held to observe confidentiality with respect to any matter they have become aware of in the complaints procedure, other than the provisions of articles 3.3, 4.8 (g) and 4.9 of these regulations.

Article 3 Confidential adviser

3.1 Appointment

- a) The Executive Board appoints one or more Confidential advisers for a period of four years. Confidential advisers may be re-appointed.
- b) The Confidential adviser must have an academic background and an unblemished academic record.
- c) The Executive Board may terminate the appointment before the end of term:
 - i) upon the Confidential adviser's own request;
 - ii) in the event the appointment requirements are no longer met;
 - iii) in the event of the Confidential adviser's unsatisfactory performance.

- d) Members of the Board of the Foundation, the Executive Board, the Board of Governors and the deans and the vice-deans of the faculties will not be eligible for appointment as a Confidential adviser.

3.2 Duties

- a) The Confidential adviser acts as a point of contact for questions and complaints about academic integrity.
- b) In the event of a complaint the Confidential adviser may mediate between complainant and defendant, if he should see cause to this, or otherwise try to resolve the complaint amicably.
- c) If there should be any cause, the Confidential adviser may explain to the complainant how to file a complaint to the Executive Board or the Board of the Foundation.
- d) The Confidential advisor will only act on behalf of the complainant or the defendant with their consent. The Confidential advisor may not act on behalf of the complainant and the defendant at the same time.

3.3 Accountability

The Confidential adviser renders account of his activities to the Executive Board in retrospect, in an annual report, specifying the cases handled and the activities performed in general terms. The reports must be drafted in anonymous form. Furthermore, the Confidential adviser is held to observe confidentiality in all matters that have become known to him in his capacity as Confidential adviser. Any divergence requires the explicit consent of the complainant and the defendant .

Article 4 Committee Academic Integrity

4.1 Appointment and composition

- a) The Executive Board establishes a Committee Academic Integrity composed of a chairperson and at least four members.
- b) The Executive Board appoints the chairperson and the members of the Committee.
- c) Chairperson and members must have an academic background and an unblemished academic record. The provisions laid down in article 3.1 apply equally.
- d) Appointments should reflect a balanced representation of the university's areas of science and scholarship.
- e) A Confidential adviser cannot be appointed chairperson or member of the Committee.
- f) For the investigation of a complaint the Committee may be enlarged by *ad hoc* members, either employed by the university or the UMC St Radboud or not.
- g) The Committee appoints one or more deputy chairpersons from among its members.
- h) The Committee is officially supported by a qualified lawyer, who will act as the Committee's secretary.

4.2 Duties

The Committee investigates complaints and makes its recommendation to the Executive Board. If the complaint concerns research carried out in the context of the UMC St

Radboud, the Committee makes its recommendations to the Board of Governors and the dean FMS-UMC.

4.3 Powers

Notwithstanding any provisions in the law or any other binding regulations, the Committee is authorised, at all complaint handling stages, to

- a) make enquires with all employees and organs of the university and the UMC St Radboud;
- b) demand inspection of all documents and correspondence which the Committee deems important for the assessment of the complaint;
- c) seize documents and correspondence, to have these copied or to have these sealed if the Committee should deem this necessary in the interest of the investigation;
- d) consult experts or other third parties, either employed by the university or the UMC St Radboud or not.

4.4 Procedure applied by the Committee

- a) In so far as the procedure of the Committee has not been laid down in these or any further regulations, it is determined by the chairperson.
- b) The chairperson and at least two members and/or *ad hoc* members are involved in handling complaints. The chairperson determines in each case the Committee's composition, in accordance with the provisions of article 4.1 (f).
- c) Members of the Committee that are in any way involved with persons or facts to which a complaint relates may not be involved in the investigation of such complaint.

4.5 Assessment of admissibility

- a) Following the receipt of the complaint, the Committee notifies the complainant, the defendant and the dean of the faculty in question, within ten working days, that the complaint will be investigated and informs the parties involved on the procedure to be followed and the contents of the complaint. If the complaint concerns research that is carried out in the context of the UMC St Radboud, the committee informs the Dean FMS-UMC about the substance of the complaint.
- b) The Committee holds a complaint to be inadmissible if it does not meet the following requirements:
 - i. the complaint contains a clear description of the (alleged) violation of academic integrity by an employee;
 - ii. the complaint contains a date and states the name, position and contact details of the complainant.
- c) The Committee may offer the complainant the possibility to add further information to the complaint within the period of time set by the Committee.
- d) The Committee is authorized to dismiss a complaint if, at the discretion of the Committee:
 - i. the violation occurred too long ago;

- ii. the complaint is manifestly unfounded;
 - iii. the complaint is manifestly of minor importance;
 - iv. the complaint was investigated sufficiently by the Committee or a similar committee at an earlier stage.
- e) The Committee decides as soon as possible following the receipt of the complaint, but at least within four weeks, about the admissibility of the complaint. Should a decision on admissibility not be reached within four weeks, the chairperson or the deputy chairperson will inform the complainant thereof, stating the reasons for the delay.
 - f) If the Committee should decide that the complaint is inadmissible or be of the opinion that one of the circumstances referred to under d) of the present article has occurred, it will promptly make its recommendation in the matter to the Executive Board.
 - g) In the event of inadmissibility the Executive Board will inform the complainant thereof by sending a decision stating the grounds on which it is based.

4.6 Procedure on the merits

- a) If the Committee considers the complaint to be admissible and none of the circumstances referred to in article 4.5 (d) have occurred – to be determined at the Committee’s discretion – it will proceed to the substance of the complaint.
- b) The Committee hears the relevant parties involved – as determined at the Committee’s discretion. The Committee will in any case provide the complainant and the defendant with the opportunity to be heard.
- c) A written report is drafted of the hearing, reflecting a succinct representation of the statements. The report will be sent to the parties that were heard and must be signed by them. In its report of findings the Committee processes or sets out any remarks with respect to the report as these were made by the parties that were heard, within a period of time set by the Committee. If any of the parties heard refuses to sign the report, the report will refer to this, where necessary stating reasons.
- d) The complainant and the defendant may be assisted at the hearing; however, they may not be represented.
- e) Parties are heard separately and in person. The Committee may decide that the complainant and the defendant will be heard in each other’s presence.
- f) If parties are heard separately, the Committee will inform the complainant and the defendant about any hearings that took place in their absence by sending them the written report of the proceedings.
- g) The Committee may hear witnesses and experts or may request expert reports.
- h) The Committee’s hearings are not open to the public.

4.7 Withdrawal of a complaint

- a) The complainant may at any time during the investigation withdraw the complaint by sending the Committee a written statement to that effect. The Committee will promptly inform the Executive Board and the defendant.
- b) Should the Committee still see cause to investigate the complaint after it has been withdrawn, it will be entitled to do so.
- c) If the Committee decides not to investigate the complaint withdrawn by the complainant, it will promptly notify the defendant and the Executive Board of its decision.

4.8 Report of findings and recommendations

- a) After having rounded off its investigation on the substance of the complaint, the Committee will report its findings and offer its recommendations about the merits of the complaint, within a period of six weeks, to the Executive Board and, where research is involved carried out in the context of the UMC St Radboud, also to the Dean FMS-UMC. This period of time can be renewed twice by consecutive six-week-periods; if the Committee decides to do so, it will inform the complainant, the defendant and the Executive Board of its decision, stating reasons.
- b) The report of findings should include at least:
 - i. the reports of hearings held and other reports, the documents relevant for the complaint (as referred to in article 4.3 and under the conditions posed in article 4.3);
 - ii. a representation of the conclusions arrived at.
- c) The advice includes the Committee's assessment of the complaint (well-founded or unfounded) and further recommendations to the Executive Board.
- d) Before the report of findings is sent to the Executive Board (and the Dean FMS-UMC), the Committee will present its conclusions from this report to the complainant and the defendant (as referred to in article 4.8 (b) (ii)). The Committee processes or sets out any remarks with respect to its report made by the parties that were heard, within the period of time set by the Committee.
- e) Neither the report of findings nor the recommendations will be available to the public.
- f) The Committee provides the Executive Board with an anonymised summary of its findings and recommendations, designated for publication.
- g) After the procedure has been rounded off, the Executive Board will see to the publication on the VSNU website both of the summary report designated for publication and of the anonymised opinion of the Executive Board.
- h) On grounds of compelling circumstances the Executive Board may opt for non-anonymised publication.

4.9 Accountability

The Committee reports on its activities in an annual report, addressed directly to the Executive Board, in retrospect and in general wording.

Article 5 Subsequent procedure

- 5.1 The Executive Board gives its opinion within four weeks following receipt of the Committee's recommendations. If the complaint is related to research carried out in the context of the UMC St Radboud, the opinion will be given by the Executive Board and the Dean FMS-UMC.
- 5.2 The complainant and the defendant will promptly be notified of the opinion in writing. The Committee's recommendations will be attached to the opinion.
- 5.3 The complainant and the defendant may request the National Authority for Academic Integrity (*Landelijk Orgaan voor Wetenschappelijke Integriteit (LOWI)*), within six weeks following the receipt of the Executive Board's opinion, respectively the opinion of the Executive Board and the Dean FMS-UMC, to advise on this opinion in so far as it involves a violation of academic integrity. Upon request, the Committee will promptly send to the LOWI copies of all documents relevant to the complaint.
- 5.4 The request for advice addressed to the LOWI does not have any suspensive effect by automation of law. The Executive Board or the Executive Board and the Dean FMS-UMC respectively may decide, of their own accord or upon the defendant's or defendants' request, that it may suspend a measure possibly imposed until the advice has been provided.

Article 6 Protection of parties involved

Filing a complaint under these regulations may never be prejudicial to the complainant, either directly or indirectly, unless the complainant has not acted in good faith. The same holds for witnesses, experts, the Confidential adviser and the Committee members. The Executive Board will ensure all of this to the best of its abilities.

Article 7 Unforeseen circumstances

Circumstances not provided for in these regulations will be decided on by the Executive Board, with the exception of the provisions regarding the procedure to be followed by the Committee laid down in article 4.4 sub a.

Article 8 Final provisions

- 8.1 These regulations enter into force on 1 April 2013 and replace all previous complaints procedures on the subject of academic integrity.
- 8.2 These regulations are published on the website of the Radboud University Nijmegen.

Appendix 1 Violations of integrity in science and scholarship – VSNU (Association of Universities in the Netherlands)

In academic circles there is general consensus on how the academic practitioner should conduct research and what kind of conduct should qualify as a violation of integrity in science and scholarship. In the Netherlands this consensus can be found in the Royal Netherlands Academy of Arts and Sciences (*KNAW*) memorandum 'Scientific Integrity' dated 2001 and the Association of Universities in the Netherlands (*VSNU*) 'Code of Conduct for Scientific Practice' dated 2004. Amongst the scores of international documents the ALLEA European Code of Conduct for Research Integrity dated 2011 is leading.

Mistakes are made everywhere and misbehaviour exists in many types and to many degrees. Science and scholarship can only thrive if all demands for due care, reliability, honesty, impartiality, responsibility and respect have been met. Academic misconduct damages the truth, other scientists and scholars, and society. The researcher's employer, the university or the research institute, has primary responsibility to discourage misconduct and, where necessary, to punish it.

In relation to the conduct listed below, the universities declare behaviour such as this is categorically rejected, actively combatted and, where required, punished with the help of any means available. Violations of scholarly and scientific integrity will in any case be understood to mean:

1. fabrication: entering fictitious data
Fabricating or making up data that are then presented as research findings as if they were real. This compromises what is at the heart of science: ascertaining the truth.
2. falsification: falsifying data and/or covertly rejecting research results obtained
Data which are unwelcome to the researcher may never be adapted to expectations or to any theoretical outcome. Omitting data may only take place on demonstrably sound grounds.
3. plagiarism: plagiarise (parts of) publications and results of others
Scholarship and science can only function properly in honest acknowledgement of the intellectual property rights of each person's contribution to knowledge. This applies for the entire spectre of students' papers and theses and academic publications and doctoral theses. Plagiarism does not only involve literally copying texts but also paraphrasing texts, omitting notes or source references, covertly using data, designs or tables collected by others. Copyrights offer aggrieved parties a possible remedy through a court of law, but also where there is no directly aggrieved party, or not any more, legal action can be taken against a researcher for plagiarism.
4. deliberately ignoring and not acknowledging contributions of other authors is a form of misconduct that is related to committing plagiarism. Deliberate and gross infringements that cannot be resolved by academic circles themselves, need an independent opinion of the Committee Academic Integrity.
5. falsely posing as (co-)author
A researcher may only refer to himself or be referred to as co-author of a publication if he has made a demonstrable contribution to this publication in the form of ideas and expertise put in, research carried out, or theory building. A researcher that attaches his

name to a publication, must ascertain, as much as possible, the correctness and the integrity of the substance of that publication.

6. intentionally making incorrect use of (statistic) methods and/or intentionally interpreting results incorrectly
The (statistic) interpretation of research data and empirical results is subject to academic discussions and that also concerns the question whether that interpretation is correct or not. This can only be labelled as misconduct if a misrepresentation of the facts is persistently offered and unfounded conclusions are persistently presented where academic circles have reached an uncontested opinion on the matter. If necessary, a Committee Academic Integrity, together with peers, may reach such conclusion.
7. committing attributable inaccuracies when carrying out research.
Misconduct is only constituted if the researcher crosses the line marking mistakes and inaccuracies and does not adjust his conduct following serious and well-founded criticism. A Committee Academic Integrity may establish whether such conduct has taken place.
8. allowing and concealing misconduct of colleagues
A researcher or member of the board has a duty of care towards scholarship and science as a whole and in particular towards the researchers in his direct surroundings. It must be acknowledged that hierarchical relations in academic circles, for example between doctoral thesis supervisor and doctoral candidate, will not always make filing complaints against colleagues easy.