CONSIDERATION FRAMEWORK COOPERATION WITH SOCIAL PARTNERS

Partnerships advisory committee, RU

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Introduction

Radboud University aims to be at the centre of society with its education, research and impact. The RU's new Strategy from 2026 reinforces this social ambition. What this means in practice is that RU researchers and lecturers will potentially work with social partners even more than they already do. These include various governments, business, social institutions such as NGOs but also, for example, Defence and its affiliated institutions and companies. This cooperation will result (and has already resulted) in research projects and concrete educational cooperation, for example through the establishment of special chairs, which are assessed by Faculty Boards and the Executive Board.

In assessing these cooperation projects with social partners , the desirable that boards use different consideration frameworks. Given the RU's Strategy, sustainability, for example, may play a role. Especially in cooperation with international business, it is important to ensure knowledge security. For these viewpoints, the RU has developed consideration frameworks and set up advisory committees.[1] In the following, to complement these already existing frameworks, a normative consideration framework is presented that serves three purposes:

1. It can help boards the RU (CvB, deans) assess concrete cooperation projects with social partners.
2. It serves as the basis for advice on collaborative projects by the RU's Collaborations Advisory Committee.
3. It serves as a normative framework for RU researchers and lecturers.

This consideration framework regarding cooperation with civil society partners is based on the previously developed consideration framework on cooperation with foreign universities. It is based on the same three principles of academic freedom, human rights and scientific integrity. However, these principles - particularly scientific integrity - are applied to collaboration with societal, non-university partners.

The need to come up with a separate consideration framework for cooperation with social partners lies in two factors. First, while Radboud University and its employees are bound by the principles of academic freedom, social partners are not. This could potentially create friction in the cooperation, which should be properly framed beforehand. Furthermore, Radboud University employees are bound by applicable codes regarding scientific integrity and the collaboration partner may not be. This could result in demands on lecturers and researchers that they

[1] The Knowledge Security Advisory Team (kennisveiligheid@ru.nl); Sustainability o.a.Radboud Green Office (greenoffice@ru.nl)& Radboud Centre for Sustainability Challenges (rcsc@ru.nl).

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based on principles of scientific integrity cannot comply with (e.g. in terms of not publishing outcomes that are unwelcome to the social partner). This is another reason why it is important to make clear agreements before concluding a cooperation agreement based on a normative framework.

The following Assessment Framework first addresses one of the main conditions for academic research and teaching, namely the academic freedom of every researcher, lecturer and student (Section 1). It then discusses how that freedom could possibly be curtailed by university boards based on involvement by the intended social cooperation partners in serious human rights violations (section 2) and/or serious breaches of academic integrity (section 3).

1. Academic freedom and ways it can be curtailed

What is academic freedom?

Within the university, a variety of norms and values apply to academic research and teaching. One of the most fundamental norms concerns the academic freedom to design and conduct research and teaching as one sees fit. Academic freedom, by common understanding, includes: the researcher's freedom to choose research topics, determine research questions and research methods; the freedom to access research sources; the freedom to publish and share research results in conferences and lectures; the freedom to be a member of scientific editorial boards and groups; the freedom to engage in cooperation with other scientists, scientific institutions and universities; the lecturer's freedom to shape and conduct academic higher education; the student's freedom to receive instruction; the freedom not to be forced to adhere to or proclaim certain scientific views.[2]

Academic freedom is not an end in itself. It aims to give scientists room to broaden, deepen and renew their scientific knowledge and insights, and to share new and known insights with students through teaching, so that they in turn can develop into critical thinkers. In this sense, academic freedom is closely linked to the adequate practice of science, free from external pressure or external influence to, for example

2 Royal NetherlandsAcademy of Arts and Sciences (KNAW) , Academic freedom in the Netherlands. A concept analysis and guideline, Amsterdam 2021; Joris Groen, *Academic freedom: a legal exploration*. dissertation Rotterdam, Rotterdam.

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involve political principles or commercial factors in research or teaching.

This consideration framework focuses on academic freedom with regard to the aforementioned aspect of cooperation, more specifically cooperation with social partners such as governments, industry, social institutions such as NGOs and, for example, Defence and affiliated cooperation partners. Researchers, lecturers and students must also be safeguarded from external pressure or influence when entering into these collaborations.

Academic freedom as a legal norm

The principle of academic freedom is enshrined in Dutch law and constitutional law. Article 1.6 of the Higher Education and Research Act states that academic freedom shall be observed at higher education institutions and teaching hospitals. According to the explanatory note to this provision of the law, individual lecturers, researchers and students have the freedom when teaching, conducting research or receiving education, respectively, to follow their own scientific views and not be dependent on certain political, philosophical or science-theoretical views.[3]

In international fundamental rights treaties, we find the principle of academic freedom, among others, in Article 15(3) of the International Covenant on Economic, Social and Cultural Rights, which stipulates that the states concerned undertake to "respect the freedom indispensable to the conduct of scientific research and creative work." Article 13 of the Charter of Fundamental Rights of the European Union also states that the arts and scientific research shall be free and academic freedom shall be respected.[4]

Obligations for government and university boards

Academic freedom primarily entails that the government should refrain from substantive interference in academic research and teaching. Even if the government is the commissioning party, it should not try to influence the results of scientific research or, for example, prevent publication of unwelcome results of the research. In addition, the government should protect and facilitate academic freedom, for example by ensuring the free publication of research results.[5]

By extension, the government should equally refrain from interfering in collaborative ventures entered into by scientists or universities and the activities they carry out within the framework of their collaboration.

[3] Parliamentary Papers II 1980-1981, 16802, no. 3, p. 49-50.
[4] See further Royal Netherlands Academy of Arts and Sciences (KNAW) 2021, p. 23-25, which also addresses the relationship to other fundamental rights, such as freedom of expression.
[5] Royal Netherlands Academy of Arts and Sciences (KNAW) 2021, p. 29-30; Groen 2017, p. 72-73.

Werkvertaling

The government should not only respect the academic freedom of researchers, lecturers and students, but it should also respect the autonomy of university institutions. This autonomy with regard to the organisation of research and teaching is necessary to achieve academic freedom for researchers, lecturers and students.

The board of a university, faculty or institute should also respect academic freedom. It should take a neutral stance and refrain from any measures that amount to a restriction of the academic freedom of researchers, lecturers and students. This also means that these boards should allow their researchers, lecturers and students to enter into and flesh out partnerships.

Limits to academic freedom

Academic freedom is not limitless or absolute. This freedom, like most freedoms and fundamental rights, is subject to all kinds of restrictions, legal or otherwise.

First, university institutions, researchers, lecturers and/or students are obviously also subject to law and justice. This also applies when entering into partnerships.

Second, there are various statutory regulations and resulting internal university regulations regarding the organisation of teaching and research at a university, which directly or indirectly restrict academic freedom. Think of the Education and Examination Regulations, which have far-reaching effects on how education is organised, or of the system of educational accreditation (carried out by the Accreditation Organisation of the Netherlands and Flanders, NVAO), which in practice imposes strong norms on the organisation of education.

Third, serious and systematic human rights violations and serious and systematic breaches of academic integrity can act as a lower limit for the university to restrict the academic freedom of academics. These two limits are discussed in Sections 2 (human rights) and 3 (academic integrity), respectively.

Finally, the 'National Knowledge Security Guide' aims to prevent undesirable transfer of sensitive knowledge and technology abroad.[6] Transfer is undesirable if it affects national security. Knowledge security is also at stake in case of (the threat of) covert influence on education and research by foreign state actors.[7] For this reason, the curtailment of academic freedom may be an issue and the entering into partnerships may be restricted. In this assessment framework, as zged, the subject of knowledge security will not be discussed further, as Radboud University has a separate advisory team

[6] UVN, Royal Netherlands Academy of Arts and Sciences (KNAW) and others, National guideline on knowledge security. Safe international cooperation, January 2022.
[7] Cf. the 2022 affair surrounding China's funding of a human rights centre at the VU.

Working translation

Knowledge security has. The same applies to sustainability in the context of partnerships, for which there is a separate work group.

An Assessment Framework for partnerships

Respecting academic freedom implies that institutional boards should be weary of curtailing it. Restraint should also be exercised when setting restrictions on entering into partnerships. Against this background, this Assessment Framework assumes that when it comes to partnerships, an institution may only consider curtailing academic freedom if entering into or maintaining a partnership will lead to a violation of legal obligations (including treaty obligations), a general violation of the law, or a violation of generally acknowledged codes (of conduct or other).

Recently, the question has arisen as to whether a lower limit on academic freedom, and thus on entering into partnerships, is reached when a collaboration leads to undesirable connections with institutions that are in turn involved in serious and systematic government violations of human rights. This Assessment Framework recognises that this circumstance may also constitute a violation of the lower limit of academic freedom. In other words: a restriction of academic freedom by an institution's management in terms of partnerships also qualifies if it involves entering into or maintaining partnerships with institutes or organisations that specifically and directly cooperate in serious and systematic human rights violations by their government.

In addition, academic freedom to enter into partnerships may be curtailed in response to serious and systematic violation of principles and standards of academic integrity. These two specific restrictions on academic freedom (based on human rights violations and breaches of academic integrity) are discussed below.

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2. Partnerships and human rights violations

Entering into partnerships with external partners is an indispensable component of university research and teaching. The university participates in numerous large-scale research projects with many external partners. In that context of cooperation in research and education with civil society partners, especially if they are active abroad, the question may arise whether and to what extent possible human rights violations may constitute an obstacle to entering into or maintaining partnerships.

Meaning and content of human rights

Human rights (or fundamental rights) are fundamental rights or claims of citizens aimed at ensuring a dignified existence.[8] They are mostly enshrined in the national constitution and in International treaties, and thus of a higher order than ordinary legal rights.

Important sources of human rights are the UN International Covenant on Civil and Political Rights (1966), and some other specific UN human rights treaties, such as the UN anti-discrimination treaties, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (1984) and the Genocide Convention (1948), as well as the European Convention on Human Rights and its protocols, and the Charter of Fundamental Rights of the European Union.[9]

In the classical view, fundamental and human rights apply mainly in the relationship between citizens and the government (vertical effect), whereby the government must refrain from acting unlawfully towards citizens and respect citizens' rights. In addition, human rights today also have effect between citizens (horizontal effect). Consider, for example, the ban on discrimination or the right to privacy that one citizen can also invoke against another.

Human rights violations and partnerships

It follows from the above that the university's cooperation with a cooperation partner can be called into question under a variety of different circumstances if human rights violations are at issue.

The usual starting point here is that there must be *demonstrable, serious and systematic* (not incidental) violations of human rights, in this case when the university or an institute or faculty

[8] Cf. at length, C.A.J.M.Kortmann, Constitutional Law, edited by P.P.T. Bovend'Eert, J.L.W. Broeksteeg, C.N.J. Kortmann, B.P. Vermeulen, eighth edition, Deventer: Wolters Kluwer 2021, p. 417 et seq. and literature cited there; see also in particular Flemish Interuniversity Council (VLIR), Recommendations for the introduction of a human rights test at Flemish universities, Report of the ad hoc VLIR human rights work group 23 October 2019.

[9] See further inter alia the enumeration in the VLIR report 2019, p. 6-7.

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considering not entering into a cooperation with a social partner or suspending or terminating an existing cooperation.

How can human rights violations occur in partnerships?

Cooperation with an external partner need not be open to discussion if it involves a partner in a country in which, although the government seriously and systematically violates human rights (e.g. by imprisoning political opponents without trial, or systematically discriminating against minorities), the cooperation partner itself is in no way involved in those human rights violations, nor do the activities in the cooperation involve human rights violations.[10]

The situation is different when a partner itself systematically violates human rights, for example by discriminating against certain persons or groups of persons on grounds of origin, race, religion or political opinion. The institutional board of Radboud University will then have to consider renouncing or breaking off cooperation.[11]

If a civil society partner directly and specifically contributes to serious and systematic human rights violations by its own government, this is also problematic. Such a partner could, for example, support the government by providing knowledge or by producing equipment (or even weapons) or other facilities that government agencies use to oppress groups of citizens or otherwise seriously and systematically violate their human rights.[12] A partner could also cooperate in the development of software or hardware for intelligence and security services that systematically violate citizens' human rights, or cooperate in systematic unlawful expropriation of citizens' property.

Even if Radboud University itself is not directly or indirectly involved in human rights violations as a result of cooperation, cooperation with a partner that directly and specifically contributes to serious human rights violations by the relevant government may still be problematic to the extent that Radboud University's institutional board should refrain from cooperating with that partner. Indeed, establishing or maintaining a cooperative relationship with an external partner implies mutual support and respect and joint activities. However, joint functioning as partners is seriously compromised when either partner directly and specifically contributes to serious human rights violations by state bodies. Three considerations are important in this context: First, Radboud University runs the risk of becoming directly or indirectly involved in those human rights violations. Secondly, the

[10] Cf. also VLIR report 2019, p. 13.
[11] Cf. also United Nations Office of the high Commissioner, Guiding principles on business and human rights, New York and Geneva 2011.
[12] Cf. also VLIR report 2019, p. 12.

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cooperation with a partner directly and specifically contributing to serious human rights violations have a legitimising effect on human rights violations. Third, such cooperation with a partner directly and specifically involved in serious human rights violations could damage Radboud University's reputation.

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3. Partnerships with civil society partners and scientific integrity

Principles of academic integrity can also lead to significant restrictions on academic freedom. Of particular importance here are the Netherlands Code of Conduct for Research Integrity (to be renewed in 2026) and the European Code of Conduct for Research Integrity (ALLEA Code).[13] They provide a normative framework for researchers and students in their research activities. For institution boards, the Codes of Conduct provide a review framework for assessing alleged breaches of academic integrity.

The principles, standards and values of academic integrity included in these two Codes function as 'professional standards'. These are the professional standards that academics must meet to do their jobs well. The principles of academic integrity ensure the reliability of scientific knowledge, the trust that the community and society can have in science, and mutual trust between scientists.

The Netherlands Code of Conduct relies on five basic principles: honesty, diligence, transparency, independence, and responsibility. The ALLEA code states *reliability* , *honesty* , *respect* , *accountability* . Both Codes concretise these principles into more specific standards for good research. In addition, it is relevant to point out some other reports that touch on scientific integrity, such as the Royal Netherlands Academy of Arts and Sciences (KNAW) report on the handling of commissioned research by scientific researchers (2005).[14]

The Codes mainly concern research and not teaching. Moreover, partnerships are hardly mentioned in the Codes, if at all. Nevertheless, the codes are relevant to this consideration framework. After all, academic integrity as described in the Codes can be at stake in partnerships in at least two ways: (1) because of the cooperation, our university (bodies/employees) is itself unable to work in accordance with the Code of Conduct;
(2) The partner with whom it is working does not operate in accordance with the Code of Conduct. This could include a partnership with a partner who is demonstrably, seriously and systematically guilty of plagiarism, fabrication of data or unacceptable 'conflicts of interest'.

In the following, a number of standards of conduct regarding scientific integrity are developed that are specifically relevant to the normative assessment of collaboration with civil society partners. Naturally, the codes as a whole remain valid for the individual actions of RU researchers and lecturers. It is also important to note that this perspective differs from that of the RU Scientific Integrity Committee (CWI-RU). This committee uses the 2018 Netherlands Code of Conduct for Research Integrity as its assessment framework for assessing behaviour by individual scientists

[13] ALLEA, The European Code of Conduct for Research Integrity. Revised Edition 2023, DOI: 10.26356/ECOC; Royal Netherlands Academy of Arts and Sciences (KNAW) and others, Netherlands Code of Conduct for Research Integrity, 2018. [14] Royal Netherlands Academy of Arts and Sciences (KNAW) , Science on order. On the dealings between scientists and their clients

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from RU. In contrast, the present framework is about the RU or parts of it (faculties, research institutes etc.) entering into or continuing collaborations with social partners.

This balancing framework distinguishes three categories of behavioural standards of scientific integrity derived from the applicable codes:

1) Reliability, honesty, diligence, verifiability and transparency.
2) Independence and impartiality.
3) Responsibility.

A social partner (client) who disregards the following standards of conduct, derived from the Codes of Conduct, in cooperation in the field of research or education with Radboud University researchers or lecturers will thereby compromise the scientific integrity of Radboud University researchers or lecturers. If a cooperation partner does not agree to these standards of behaviour, or demonstrably fails to observe serious standards of behaviour, this may be grounds for an institution board to not enter into or suspend cooperation with that partner.

3.1 Standards of conduct regarding reliability, honesty, diligence, accountability and transparency

The following scientific integrity standards are observed when working with civil society partners. The social partner (client) agrees that these standards apply to the design, conduct and reporting of research findings:

- The researchers, or the researchers, in agreement with the client, formulate the research design (research brief).

- The design of the study is not focused towards any outcome desired by the client.

- The choice of research design and research questions, the choice of scientific method, and the reference to sources consulted, are carefully documented so that all steps of the research process can be monitored.

- In conducting the study, the data or sources are not falsified or fabricated. No unsubstantiated claims are made. Margins of uncertainty or contraindications are not concealed. Results are not presented more favourable or unfavourable than they are.

- In conducting the study, the quality of data collection and

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monitored data processing and reporting in line with Fair-principles[15]. The data retention period is at least 10 years. The data will be made available to other scientists on request, unless legal regulations or special circumstances prevent it for a period of time to be determined by mutual agreement.

- In carrying out the research, the intellectual origin of the texts quoted or paraphrased is made clear through correct source citation. No texts or results of research by others will be reproduced without acknowledgement of the source. When previously published findings are reprocessed, this will be made clear by correct source citation, or by other means accepted in the field.

- When reporting the results of the study, authorship is accredited. Rules customary in the field are followed.

- The researchers' freedom to publish the findings of the study is paramount. In consultation with the client, it may be determined that publication of the findings of the investigation will take place within a reasonable period, to be determined by mutual agreement, after the investigation results have been established.

- The method of publication can be agreed in cooperation agreement. Publication in a scientific journal takes place after consultation with the client. The researcher has the final say on content, authors, form and location of the scientific publication.

- Scientific research results are published whether favourable or unfavourable to the client.

- Any intellectual property rights (patents) will be taken into account. University guidelines in this regard find application.

- Principal and/or other sponsors will be named in publications and other forms of disclosure.

- Relevant interests and advisory relationships of the researcher(s) are disclosed in publications and in other forms of disclosure.

- In commissioned research, the text of the contract is available for confidential perusal by the National Body for Scientific Integrity (Iowi).

3.2 Standards of conduct regarding independence and impartiality

The following scientific integrity standards are observed when working with civil society partners. The social partner

[15] See https://www.go-fair.org/fair-principles/.

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(client) agrees that these standards apply to the design, conduct and reporting of research (or: teaching) results:

- The design and subject of research (or: teaching) should demonstrably contribute to academic research (or: academic higher education). The problem statement and research questions (or: the learning objectives of the teaching) are of scientific interest, not only in view of the specific interest of the client. The method used is scientifically sound.

- In agreement with the client, general frameworks for the research design and research brief (or: teaching) can be established.

- In conducting the research, the researchers (or: lecturers in education) perform their work in academic freedom and independence.

- In implementation, the investigators have discretion within the general frameworks set. The client shall refrain from directives, directions or other forms of influence. The client has no influence on the research results. The same applies to teaching by RU lecturers.

- Compensation and rewards never depend on the outcome or interpretation of the study.

- A guidance committee may be set up for the conduct of the study, consisting of experts in the field of research and no more than an equal number of representatives of the client.

- Ancillary activities and activities should not impair the independent exercise of research (or: teaching).

- Researchers (or: lecturers) ensure that (the appearance of) conflicts of interest are avoided by holding (ancillary) positions outside the university or financial interests.

- Researchers (or: lecturers) should be careful not to create the appearance that interests in the exercise of their (principal) position(s) elsewhere become entangled with the interests of independent scientific research (or: education) to be carried out. It is avoided that the subject of research (or: teaching) is very similar to the content of the job elsewhere.

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- Researchers (or: lecturers) are not also employed by the principal of research (or: teaching).

3.3. Social responsibility

The following scientific integrity standards are observed when working with civil society partners. The social partner (client) agrees that these standards apply to the design, conduct and reporting of research (or: education) results:

- Researchers (or: lecturers) conduct their research (or: teaching) within the boundaries of law and justice.

- When asked, researchers account for the choice of their research themes. They report insightfully and fully on the spending of research funds and the choices they have made in the process.

- Researchers (or: lecturers) participate in internal and external reviews of their research (or: teaching). Education is assessed against the same standards and according to the same procedures in terms of quality assurance that apply to all education at RU.

- Researchers show respect for humans and animals involved in scientific research. In principle, research with people is only possible if they have given *informed consent* , the risks are low, and the privacy of those involved is protected. Research with animals is allowed only with the legally required permission and in compliance with legal regulations.

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