

# ACADEMIC INTEGRITY COMPLAINTS REGULATION

LEIDEN UNIVERSITY

&

LEIDS UNIVERSITY MEDICAL CENTER

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## Preamble

Within Leiden University and the Leiden University Medical Center, all persons involved in research are personally responsible for safeguarding academic integrity. To this end, the general principles of professional academic conduct should be adhered to at all times.

The Dutch Code of Conduct for Science Practice of the VSNU and the LUMC research code provide an elaboration of these principles, which are endorsed by Leiden University and the Leiden University Medical Center. In accordance with Article 1.7 of the Higher Education and Scientific Research Act (WHW), The Netherlands Code of Conduct for Scientific Practice serves as a guideline for Leiden University, and the Netherlands Code of Conduct for Scientific Practice and the LUMC Research Code as guidelines for the Leiden University Medical Center.

An Academic Integrity Committee is appointed to whom any person is free to submit a complaint, if he or she suspects an employee of Leiden University or the Leiden University Medical Center of committing or having committed a violation of academic integrity.

### 1. Definitions

1.1. Unless stated otherwise below, for the purpose of this Complaints Regulation, the following definitions apply:

|                      |  |
|----------------------|--|
| Accused              | Person concerning whom a written complaint has been submitted to the Committee   |
| Board                | Executive Board of LEI or Executive Board of LUMC  |
| Committee            | Academic Integrity Committee appointed by the Board  |
| Complainant          | Person who submits complaint to the Committee  |
| Complaint            | A written report submitted to the Committee concerning suspicion of a violation of academic integrity by an employee or former employee of LEI or LUMC                                       |
| Confidential Adviser | Person appointed by the Board as Confidential Adviser for Academic Integrity   |
| Employee             | Person who under the Collective Labour Agreement of Dutch Universities or the Collective Labour Agreement of Dutch Medical Centres, is or was appointed by LEI or LUMC, or who falls or fell |

in some other way under the responsibility of respectively LEI or LUMC

|                                 |  |
|---------------------------------|--|
| LEI                             | Leiden University  |
| LUMC                            | Leiden University Medical Center   |
| Praesidium                      | The Chairs of the two chambers of the Committee, as referred to in Article 4.3 below   |
| Violation of Academic Integrity | An act or omission in conflict with the Netherlands Code of Conduct for Scientific Integrity and, if the complaint concerns an LUMC employee, the LUMC Research Code |

## **2. General Provisions**

- 2.1. Every person has the right to lodge a complaint with the Committee.
- 2.2. Employees are obliged to cooperate with the Confidential Adviser or the Committee within the reasonable time limit set.
- 2.3. Complaints are handled in strict confidence. Complainant and Accused, as well as any third parties called in by Complainant or Accused, are bound to confidentiality throughout the duration of the complaints procedure. This confidentiality also extends to the disclosure that a complaint was or will be filed with the Committee.
- 2.4. Violation of confidentiality may lead to the Committee discontinuing a complaints procedure and advising the Board to not pursue the complaint any further.

## **3. Confidential Adviser**

- 3.1. The Board appoints Confidential Advisers for a period of four years. Reappointment for a follow-up term is possible, each time for a period of four years.
- 3.2. The following are not eligible for appointment as Confidential Advisers: members of the Board of Governors of LEI and LUMC, members of the Executive Board, deans of the faculties and members of the Committee.
- 3.3. The Board may terminate the appointment prematurely.
  - a. At the request of the Confidential Adviser
  - b. If the Confidential Adviser no longer meets the criteria for appointment
  - c. If the Confidential Adviser's performance is unsatisfactory

#### 3.4. The Confidential Adviser

- a. Acts as contact person for any questions or complaints concerning the conducting of scientific research
- b. Tries – where he sees opportunities to do so – to mediate or otherwise amicably resolve a complaint
- c. If necessary directs the Complainant to the Committee

#### 3.5. The Confidential Adviser

- a. Discusses his or her activities with the Praesidium twice a year
- b. Reports to the Board on his activities in an annual anonymised report
- c. Is bound to confidentiality regarding any information entrusted to him or her in the performance of his or her duties

### **4. Committee. Appointment and Composition**

4.1. The Board appoints the Committee.

4.2. The Committee consists of two chambers: one for complaints concerning LEI employees, and one for complaints concerning LUMC employees.

4.3. Both chambers have a Chair, who is also member of the Committee. Together the two Chairs form the Committee Praesidium. They jointly chair the Committee. One of them should be a legal expert.

4.4. The Committee consists of a minimum of eight members. In principle, all Committee members should be or have previously been employed by LEI or LUMC.

4.5. In the process of investigating a complaint, the Committee may be temporarily expanded to include experts, possibly affiliated with LEI or LUMC, as ad hoc members.

4.6. The Chair of the LEI chamber is appointed by the Executive Board of LEI; the Chair of the LUMC Chamber is appointed by the Executive Board of LUMC. The members and ad hoc members of the Committee are appointed by the Board, on the recommendation of the Praesidium.

4.7. The following are not eligible for appointment as Chair or member of the Committee: Members of the Board of Governors of LEI and LUMC, members of the Executive Board, deans of the faculties and Confidential Advisers.

4.8. In appointing Committee members, the Board strives to achieve a balanced representation of the disciplines represented within LEI and LUMC.

- 4.9. The Committee receives administrative support from a Secretary and may call on support from expert advisers.

## **5. Committee: Task**

- 5.1. The Committee investigates complaints and issues recommendations to the Board. If a complaint concerns a member of the Board, the Committee issues a recommendation to the Board of Governors. In that case, the authorities referred to in Article 10 are exercised by the Board of Governors.
- 5.2. At the Board's request, the Committee also investigates suspected violations of academic integrity. This procedure is subject to Articles 6, 8, 9 and 10 of this Regulation.

## **6. Committee: Authority**

- 6.1. The Committee is authorised to obtain information from all LEI and LUMC employees. The Committee has the right to inspect any documents or correspondence that it considers relevant for assessing the complaint. Employees are obliged to cooperate.

## **7. Committee: Submitting a Complaint**

- 7.1. A complaint should be submitted in writing and include at least the following:
- a. The name, position and contact details of the Complainant
  - b. The name and position of the Accused to whom the complaint refers
  - c. A clear description of the suspected violation of academic integrity by the Accused
  - d. All relevant written documents or other means of proof
  - e. Date and signature
- 7.2. At the Board's request, the Committee may investigate a complaint without knowing the Complainant's identity.
- 7.3. If any of the conditions listed in Article 7.1 are not met, the Complainant is given the opportunity to rectify the omission within a set period of time.

## **8. Committee: Procedure**

- 8.1. The Praesidium assigns the complaint to one of the two chambers and appoints a Committee to investigate it. A complaint is handled by the Chair of the Committee and two members, with the possible addition of one or more experts.
- 8.2. Members of the Committee who are in any way involved with any of the persons or facts related to the complaint may not be involved in the investigation.

- 8.3. The Praesidium rules within three weeks after receiving a complaint whether it is admissible. If the complaint is deemed inadmissible, the Praesidium issues an immediate recommendation to this effect to the Board. The Board in turn informs the Complainant, the Accused and the relevant Dean of the ruling of the Praesidium.
- 8.4. The Praesidium may conclude that a complaint is inadmissible if
- a. The omission referred to in Article 7.3 is not rectified within the set period of time;
  - b. The complaint concerns an action that was previously the subject of a complaint already handled by the Committee, unless the Praesidium is of the opinion that new facts and circumstances have come to light;
  - c. The complaint concerns an action that took place ten years or longer before the complaint was submitted;
  - d. The complaint does not concern a violation of academic integrity;
  - e. The suspected violation of academic integrity was not committed by an employee.
- 8.5. If the Praesidium rules that a complaint is admissible, the Committee proceeds with the investigation. To this end, the Praesidium appoints a Committee in accordance with Article 8.1.
- 8.6. If the Committee is of the opinion that the complaint is clearly unfounded, it can declare the complaint manifestly unfounded. If the Committee declares the complaint to be manifestly unfounded, it immediately issues a recommendation to this effect to the Board. The Board in turn informs the Complainant, the Accused and the relevant Dean of the Committee's ruling.
- 8.7. If the Committee does not declare the complaint to be manifestly unfounded, it proceeds with the investigation proper. To this end, the Committee adopts the following procedure:
- a. The Committee informs the Complainant, the Accused and the relevant Dean of the complaint;
  - b. The Accused is given the opportunity to submit a letter of defence;
  - c. The Committee hears all parties involved in the complaint;
  - d. During this hearing, the Complainant and the Accused may seek representation;
  - e. The parties are heard in each other's presence, unless there are serious reasons to hear them separately. In that case, each party is informed of what was said during his or her absence;
  - f. The Committee may summon witnesses and experts;
  - g. The hearing is not public.
- 8.8. Within twelve weeks after receiving the complaint, the Committee issues a recommendation to the Board concerning the validity of the complaint. If the investigation requires it, the

Committee may extend this term. Complainant and Accused are informed of any extension of the term.

- 8.9. If the complaint is deemed valid, the recommendation issued should also include a proposal regarding any measures to be taken.

## **9. Committee: Accountability**

- 9.1. The Committee reports on its activities retroactively to the Board in the form of a yearly report for the purposes of the annual report.
- 9.2. All members and ad hoc members of the Committee as well as any experts consulted by the Committee or advisers hired in the course of an investigation are bound to confidentiality concerning any information that has come to their notice in the performance of their duties.

## **10. Board's Ruling**

- 10.1. Within four weeks of receiving a recommendation from the Committee, and in accordance with Articles 8.3, 8.6 or 8.8, the Board records its ruling in the form of a decision. If the complaint concerns the actions of a LEI employee, the Executive Board of LEI determines the ruling. If the complaint concerns the actions of an LUMC employee, the Executive Board of the LUMC determines the ruling. If the complaint concerns the joint actions of an employee of LEI and LUMC, the Executive Boards determine the ruling jointly.
- 10.2. The Board immediately informs the Complainant and the Accused of its ruling in writing. The Committee's recommendation is enclosed with the ruling.
- 10.3. Within six weeks after being informed of the ruling, the Complainant and the Accused may submit a request to the Netherlands Board on Research Integrity (LOWI) to issue a recommendation concerning the Board's ruling. Upon request, the Committee immediately forwards a copy of all documentation relating to the complaint to the LOWI.
- 10.4. If the LOWI is asked to issue a recommendation, the Board will review its ruling in light of this recommendation. This may lead to the Board maintaining, adjusting or withdrawing its ruling.

## **11. Protection of Parties Involved**

- 11.1. Submitting a complaint in accordance with this Complaints Regulation may in no way directly or indirectly harm the interests of the Complainant, unless the Complainant has not acted in good faith. This applies equally to witnesses, experts, Confidential Advisers, and members and ad hoc members of the Committee and their advisers.

## **12. Unforeseen Circumstances**

- 12.1. In circumstances not provided for in this Complaints Regulation, the Praesidium decides on the appropriate course of action.

## **13. Final Provisions**

- 13.1. This Complaints Regulation enters into force on 1 January 2018 and replaces all previous complaints regulations concerning academic integrity.
- 13.2. This Complaints Regulation is published on the LEI and LUMC websites.
- 13.3. For all complaints of which the content is investigated by the Committee, the Committee's recommendation and the Board's ruling are published, once the procedure is completed, in anonymised form on the website of LEI, LUMC and the VSNU.

### **Entry into Force**

This Complaints Regulation enters into force on 1 January 2018.