



# K O N I N K L I J K E N E D E R L A N D S E A K A D E M I E V A N W E T E N S C H A P P E N

## Royal Netherlands Academy of Arts and Sciences Scientific Integrity Complaint Procedure

### Preamble

At the Royal Netherlands Academy of Arts and Sciences ('the Academy') everyone involved in research bears a degree of responsibility for maintaining scientific integrity. The general principles of professional scientific conduct must be complied with at all times.

One means of safeguarding scientific integrity is to afford other parties the right to submit a complaint if an Academy employee has violated, or is suspected of having violated, the principles of scientific integrity.

The Academy Board has formulated the procedure below in order to achieve this goal.

### Article 1 Definitions

#### *Violation of the principles of scientific integrity:*

The violation of nationally and internationally accepted standards of scientific conduct, including but not limited to those laid down in the Memorandum on Scientific Integrity 2001 [*Notitie Wetenschappelijke Integriteit 2001*] (the Academy, Association of Universities in the Netherlands [*VSNU*], Netherlands Organisation for Scientific Research [*NWO*]), the Netherlands Code of Conduct on Scientific Practice 2005 [*Nederlandse Gedragscode Wetenschapsbeoefening 2005*] (VSNU), the Memorandum on Scientific Research: Dilemmas and Temptations 2005 [*Notitie Wetenschappelijk Onderzoek: dilemma's en verleidingen 2005*] (second edition, the Academy), the Report Best Practices for Ensuring Scientific Integrity and Preventing Misconduct 2010 (OECD), The European Code of Conduct for Research Integrity 2011 (ESF/ALLEA) and The Singapore Statement on Research Integrity 2012, (including future editions).

#### *Complaint:*

Written (including by e-mail) notification of a violation, or suspected violation, of the principles of scientific integrity by an Academy employee.

#### *Complainant:*

The party filing a complaint with the Committee, whether or not via the Academy Board, Board of Management or Counsellor.

#### *Accused:*

The employee concerning whose conduct the Complaint has been submitted.

#### *Academy Board:*

The Board of the Academy.

#### *Board of Management:*

The Academy's Board of Management.

*Employee:*

The party who is or was employed by the Academy or who otherwise performs or performed work for which the Academy is or was responsible.

*Counsellor:*

The party appointed by the Academy Board to act as the scientific integrity counsellor.

*Committee:*

The Committee established by the Academy Board to handle complaints concerning violations of the principles of scientific integrity.

## **Article 2 General**

- All parties have the right to file complaints with the Committee, either through the Academy Board, Board of Management or Counsellor.
- The Committee shall not process anonymous complaints unless the Complainant's identity is known to the Academy Board or the Board of Management.
- All parties shall be obliged to fully cooperate with the Counsellor or Committee as they reasonably require, within the reasonable term set for that purpose, to enable the Counsellor or Committee to perform their duties.
- Every party involved in processing a complaint is bound by a duty of confidentiality regarding the knowledge gained in the context of the complaint procedure.

## **Article 3 Counsellor**

### **a. Appointment**

1. The Academy Board shall appoint, upon the proposal by the Management Board, one or more Counsellors for a period of four years. Said Counsellor(s) may be reappointed for consecutive periods of four years.
2. The candidate must possess the following qualifications:
  - a. professor (or professor emeritus), member of the Academy, with long-term research experience;
  - b. unblemished scientific reputation;
  - c. accessible and approachable;
  - d. handles opposition and conflicts well;
  - e. the following persons are not eligible for appointment as Counsellors: members of the Academy Board, members of the Academy Board of Management or anyone charged with managing any of the Academy institutes.
3. The Academy Board may terminate the appointment early:
  - at the Counsellor's own request;
  - if the Counsellor no longer possesses the qualifications for appointment;
  - through poor performance on the Counsellor's part.
4. The position of Counsellor is irreconcilable with the position of chairperson or member of the Committee on scientific integrity as established pursuant to Article 4 of the present procedure (and vice versa).

### **b. Duties**

The Counsellor:

- functions as a low-level point of contact for questions and complaints relating to scientific integrity;

- tries to intermediate or otherwise amicably settle complaints if he/she identifies opportunities for doing so;
- instructs the complainant on how to submit a Complaint to the Committee.

### **c. Reporting**

The Counsellor reports on his/her work to the Academy Board and Board of Management in an annual report prepared in connection with the Academy's annual report.

The Counsellor shall observe confidentiality with regard to all knowledge he or she obtains by virtue of his or her position.

## **Article 4 Committee on Scientific Integrity**

### **a. Appointment and composition**

- The Academy Board shall establish a Committee on scientific integrity.
- The Committee shall comprise a chairperson and at least two other members.
- The chairperson and the members shall be appointed by the Academy Board, upon the proposal of the Board of Management.
- The provisions in Article 3.a shall apply *mutatis mutandis*.
- In making the appointments, the Academy Board will strive for a balanced representation of the Academy's areas of scientific research. Preferably, one Committee member shall be a qualified lawyer.
- In order to investigate a given Complaint, the Committee may increase its membership to include experts, preferably experts not employed at the Academy.
- The Committee shall be supported for secretarial purposes by an employee from the Academy's Staff Department.

### **b. Duties**

The Committee shall investigate complaints relating to scientific integrity and issue advice on these complaints to the Board of Management.

### **c. Powers**

- The Committee is authorised to gather information from all Academy employees and bodies. They may demand to examine documentation and correspondence that they consider relevant to investigating a complaint.
- The Committee may also consult experts, preferably experts who are not employed at the Academy. A report shall be prepared of any such consultations.

### **d. Working method**

1. A Complaint shall be processed by the chairperson of the Committee and two other members, possibly with the assistance of one or more experts.
2. Members of the Committee who are in any way involved with the persons or facts to which a Complaint relates may not be involved in processing such complaint.
3. The Committee shall notify the Board of Management in writing of any Complaint submitted to the Committee.
4. The Committee shall assess the eligibility of the Complaint based on the following criteria:
  - a. clear written description of the violation (or alleged violation) of the principles of scientific integrity by one or more specific Academy employees;
  - b. written documents or other proof relating to the Complaint;
  - c. statement of the name, position and address of the Complainant;
  - d. date;
  - e. Complainant's signature.
5. The Committee may afford the Complainant the opportunity to supplement his or her Complaint within a term the Committee sets for that purpose.

6. If the written complaint is in a foreign language and a translation of the Complaint is deemed necessary in order to properly process the Complaint, the Complainant shall provide such translation.
7. Upon request by the Academy Board or the Board of Management, the Committee may investigate the Complaint without being informed of the Complainant's identity.
8. The Committee shall be authorised to refuse to process a Complaint if:
  - a. the alleged violation took place more than five years previously;
  - b. if it has already investigated the Complaint;
  - c. another complaint, objection or appeals procedure is or was available to the Complainant within the Academy for the type of conduct alleged in the Complaint.
9. The Committee shall assess the eligibility of the Complaint within a period of three weeks. If the Committee concludes that the Complaint is ineligible, it shall issue advice to that effect to the Board of Management.
10. If the Committee considers the Complaint to be eligible, they will process the Complaint on its merits.
  - The Committee shall interview all parties involved in the Complaint. A report shall be made of these interviews.
  - The Complainant and Accused may be assisted by counsel during such interviews.
  - The interviews of the parties involved must be held in one another's presence unless there are compelling reasons for interviewing the parties separately. In that case, each of the parties shall be notified of what occurred during interviews for which they were not present.
  - The Committee may also hear witnesses and experts.
  - The hearing shall not be accessible to the public.
11. Within twelve weeks of receiving the Complaint, the Committee shall render advice to the Management Board regarding whether the Complaint is well-founded. The Committee may extend this term once by a period of four weeks.

#### **e. Reporting**

The Committee reports on its work to the Academy Board and Board of Management in an annual report prepared in connection with the Academy's annual report.

The members of the Committee and any experts consulted are bound by a duty of confidentiality with regard to all knowledge they acquire in the context of these procedures.

#### **Article 5 Follow-up procedure**

1. The Board of Management shall render its decision within four weeks of receiving the Committee's advice. The Complainant and Accused(s) shall be immediately notified of such decision in writing. The Committee's advice will be sent along with any decision rendered on a Complaint. If the Board of Management deviates from the Committee's advice in finding in favour of the Complainant, the decision shall state the reasons for deviating from the Committee's advice.
2. The Complainant and Accused(s) shall have a term of six weeks after the date of the Board of Management's notification referred to in Article 5(1) to request the National Board for Scientific Integrity [*Landelijk Orgaan voor Wetenschappelijke Integriteit (LOWI)*] to issue advice on the Board of Management's decision on a Complaint, providing a copy of such request to the Academy's Board of Management.
3. After receiving such request, the LOWI shall render its advice. This advisory procedure at the LOWI shall be governed by the LOWI's procedure.
4. If no advice has been requested from the LOWI within the term referred to in Article 5(2), the Board of Management will finalise its decision on the Complaint.
5. If advice has been requested from the LOWI, the Board of Management shall finalise its decision after receipt of the LOWI's advice. The Board of Management shall immediately

notify the Complainant and Accused(s) in writing of the finalised decision. If the Board of Management's decision deviates from the LOWI's advice, the decision shall state the reasons for such deviation.

6. If the Accused is still employed at the Academy, the Board of Management may take decisions on other possible measures or steps that will be taken, with due observance of the provisions of Dutch civil service and labour laws.
7. The Board of Management reports on its work to the Academy Board in an annual report prepared in connection with the Academy's annual report.

#### **Article 6 Protection of the parties involved**

The submission of a Complaint pursuant to the present procedure cannot work to the Complainant's direct or indirect disadvantage unless the Complainant has not acted in good faith. A Complainant will be considered to have acted in bad faith, for example, if he or she has submitted a Complaint in order to purposely besmirch the Accused's good name or reputation. The same applies to witnesses, experts, Counsellors and Committee members.

#### **Article 7 Exclusion of other complaint procedures**

The "Royal Netherlands Academy of Arts and Sciences Complaint Procedure" adopted by the Academy Board on 20 February 2001 and applicable within the Academy shall not apply to Complaints that are processed in accordance with the present procedure.

#### **Article 8 Contingency clause**

The Academy Board shall decide in any and all cases not provided for in the present procedure.

#### **Article 9 Effective date**

This procedure shall enter into effect on 1 July 2012 and shall replace the previous scientific integrity complaint procedure.

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

The present procedure may be cited as the Royal Netherlands Academy of Arts and Sciences Scientific Integrity Complaint Procedure and shall be published on the Academy's website.

Adopted by the Royal Netherlands Academy of Arts and Sciences Board of Management,

Date 4 June 2012

On behalf of the Board of Management,

Dr H.K. Chang, General Director

*This is a translation of the Dutch version of the procedure. In case of a conflict between the English and Dutch versions of the procedure, the Dutch version will prevail and will be binding.*