

Wageningen University & Research – Scientific Integrity Complaints Procedure

General explanation regarding this Scientific Integrity Complaints Procedure

This Scientific Integrity Complaints Procedure has been drawn up in accordance with an example of the model procedure produced by the universities of the Netherlands acting together. Rather than being prescriptive, this model procedure represents an agreement between the universities to incorporate as many of its provisions as possible in their own regulations. Arguments may be presented to justify important substantive amendments to accommodate the local situation.

In addition to Wageningen University, the Wageningen Research foundation also uses this complaints procedure, because in its capacity as research institute, it has subscribed to the Netherlands Code of Conduct for Research Integrity [Nederlandse gedragscode wetenschappelijke integriteit] as well. The purpose of this common complaints procedure is to ensure that suspected infringements of scientific integrity are treated equally within WUR as far as possible. As a result, the underlying principles, terminology and procedures will be identical as far as possible in the case of everyone who has to contend with Complaints concerning the supposed infringement of integrity. This is important, because Wageningen University and the Wageningen Research foundation consider themselves responsible for the conduct of every researcher who carries out or has carried out scientific research under their responsibility. Wageningen University and the Wageningen Research foundation are committed to investigating every substantiated, suspected infringement of scientific integrity.

This procedure has been drawn up in accordance with the provisions of Chapter 9 of the General Administrative Law Act [Algemene wet bestuursrecht], because this legislation may govern complaints submitted in relation to public institutions such as Wageningen University and, as it happens, because it provides sound guidelines for dealing with complaints with due care.

Preamble

The Netherlands Code of Conduct for Research Integrity sets out the guiding principles of proper, ethical scientific practice and the standards drawn from them governing research practices which serve as guidelines for Wageningen University as provided for in Section 1.7 of the WHW [Higher Education and Research Act]. The Wageningen Research foundation also subscribes to every single guiding principle of proper, ethical scientific practice and the standards drawn from them governing research practices.

Everyone involved in research within Wageningen University and the Wageningen Research foundation bears their own personal responsibility for upholding scientific integrity. Everyone needs to ensure that the standards are always observed meticulously. If it is assumed that scientific integrity has been infringed, a Complaint may be submitted in this respect. Wageningen University and the Wageningen Research foundation will ensure that there is a scrupulous, fair complaints handling procedure. With this aim in mind, the Executive Board of Wageningen University and the Wageningen Research foundation has approved the procedure below¹. This procedure also includes the preliminary stage, during which there is no Complaint but merely a report to a Confidential Counsellor, which may lead to a Complaint.

As far as possible, this procedure will be applied analogously where an investigation is launched into a suspected infringement of scientific integrity at the request of the Executive Board of Wageningen University and/or the Wageningen Research foundation in the absence of the submission of a complaint.

Paragraph 1. Definitions

The capitalised terms bear the meaning assigned to them in this paragraph for the purposes of this complaints procedure. A definition in the singular included in this article is also deemed to include the plural and vice versa, unless explicitly stipulated otherwise or evident from the context.

1.1 Code of Conduct: the Netherlands Code of Conduct for Research Integrity 2018.

1.2 Infringement of Scientific Integrity: any act or omission which conflicts with the standards of appropriate research practices stipulated in the Code of Conduct and the additional ones referred to in it in the case of a discipline or institution which amounts to an infringement of scientific integrity within the meaning of Paragraph 5.2(A)(1), (2) or (3) of the Code of Conduct.

1.3 Complaint: a written report concerning a suspected Infringement of Scientific Integrity or a potential failure on the part of a Staff Member to comply with standards which may be qualified as 'questionable conduct' or less seriously as a 'minor infraction' with the meaning of Paragraph 5.2(B) of the Code of Conduct.

1.4 Complainant: anyone who submits a Complaint to the Executive Board.

1.5 Accused: a Staff Member about whose conduct a Complaint has been submitted or whose actions the Committee investigates at the Executive Board's request.

1.6 Staff Member: anyone who is or has been employed by the Institution or who works or has worked under the Institution's responsibility in some other capacity. This also includes any person who is not associated with the Institution or only on a part-time basis, in so far as they are involved in the research conducted by the Institution or who publish it in the name or under the responsibility of the Institution. This does not involve any person who only plays a supporting role in relation to such research.

1.7 Confidential Counsellor: a person whom the Executive Board has appointed to serve as a scientific integrity Confidential Counsellor.

¹ A final ruling by the Executive Board marks the end of the complaints procedure. However, this is not an Executive Board decision but merely a notice, against which it is not possible to lodge an objection. See also Paragraph 5.6 of this complaints procedure.

1.8 Committee: the independent Committee appointed by the Executive Board to deal with Complaints concerning the Infringement of Scientific Integrity.

1.9 Executive Board: the executive board of Wageningen University or that of the Wageningen Research foundation.

2. Supervisory Board: the supervisory board of Wageningen University or that of the Wageningen Research foundation.

2.1 Institution: the legal entity under public law, Wageningen University and/or the foundation under private law, Wageningen Research.

Paragraph 2. General

2.1 Anyone shall be entitled to consult a Confidential Counsellor in the case of a suspected Infringement of Scientific Integrity or a potential failure to comply with standards which are deemed to qualify as 'questionable conduct' or a 'minor infraction' in less serious cases.

2.2 Anyone shall be entitled to submit a Complaint to the Executive Board², which will forward it to the Committee immediately. A Complaint may only be submitted concerning a suspected Infringement of Scientific Integrity and a failure to comply with a standard within the meaning of Paragraph 5.2(B) of the Code of Conduct. A Complaint must be adequately substantiated, setting out the reason why the Complainant deems scientific integrity and/or a standard to have been infringed.

2.3 The Executive Board may also ask the Committee to launch an investigation into a suspected Infringement of Scientific Integrity in the absence of a Complaint being submitted.

2.4 An anonymous Complaint may only be dealt with provided that the Executive Board sees grounds for this because it is of the opinion that:

- a. compelling public interests or the interests of the Institution or party involved render it necessary to do so; and
- b. the Committee holds the view that the facts can be investigated without the contribution of a Complainant.

Where a Complaint concerns a member of the Executive Board, the Supervisory Board shall assume the role assigned to and exercise the powers conferred on the Executive Board in this procedure.

2.6 Where a Complaint concerns a person who is or was a Staff Member of multiple Institutions that have subscribed to the Code of Conduct and the Complaint could consequently be investigated at multiple Institutions, it may be dealt with jointly or the Institutions concerned may make other arrangements as to how the Complaint is to be dealt with. In this case, a decision concerning the way in which it is to be dealt with shall be made by the Executive Board.

2.7 Everyone shall have a duty to provide every assistance to a Confidential Counsellor or Committee which either may reasonably require for the purposes of performing their duties within a stipulated, reasonable period of time.

2.8 Anyone who is involved in submitting and/or dealing with a Complaint shall have a duty not to disclose the substance of the Complaint including exchanged written documents and any information which comes to their knowledge in relation to the Complaint during the relevant proceedings. This duty of non-disclosure shall also apply following the announcement of an initial ruling and while a request for a review is dealt with by the Netherlands Board on Research Integrity [Landelijk Orgaan Wetenschappelijke Integriteit] and after the final ruling is announced³. In the event that an initial ruling is published, due care shall first be taken to ensure appropriate anonymisation⁴. Due care shall also be taken to ensure that any publication in an annual report or the website of the VSNU [Association of Universities in the Netherlands] is anonymised.

² To make the complaints procedure accessible, Staff Members have the option of filing their Complaint directly with the Scientific Integrity Committee at WUR: <https://intranet.wur.nl/umbraco/nl/weten-regelen/klacht-bezwaar/klachtregelingen-integriteit-wur/>. The Committee will inform the Executive Board of the Complaint.

³ If necessary, documents can be submitted in legal proceedings

⁴ Anonymisation shall occur in so far as the relevant Institution's duty of care and legal obligations do not constitute an obstacle to this.

In the event that a Complainant or an Accused fails to comply with this duty of non-disclosure, the Committee or the Executive Board may arrange for appropriate consequences.

Paragraph 3. Confidential Counsellor

3.1. Appointment

- a. The Executive Board may appoint one (1) or more Confidential Counsellors for a period of four (4) years. Reappointment for a consecutive period of four (4) years at a time shall be permitted in consultation with the Dean of Research.
- b. A Confidential Counsellor shall have a scientific background and an irreproachable scientific reputation, and be able to deal with contradictions and conflicts appropriately. A Confidential Counsellor may not hold a secondary position which could prevent them from performing their duties as such.
- c. The members of the Supervisory and Executive Boards, the members of the executive boards of the science groups, the Deans of Education and Research and the members of the Committee shall not be eligible for appointment.
- d. The Executive Board may cancel an appointment in the interim:
 - at the request of the relevant Confidential Counsellor;
 - because the relevant Confidential Counsellor no longer satisfies the requirements for appointment;
 - because of a dereliction of duty on the part of the relevant Confidential Counsellor following consultation with the Dean of Research.

3.2. Duties

A Confidential Counsellor:

- shall serve as a low threshold point of contact for Staff Members within an Institution concerning reports of (suspected Infringement of) Scientific Integrity and questions about the standards set out in the Code of Conduct;
- shall endeavour to mediate or settle matters amicably within the context of scientific integrity;
- shall show Staff Members how to submit a Complaint to the Executive Board;
- may not simultaneously assist a Staff Member and anyone to whom such Staff Member's report pertains;
- shall only take action in the interests of a Staff Member with the latter's consent.

3.3. Rendering account

A Confidential Counsellor shall render account for their work to the Executive Board *a posteriori* in an annual report prepared for the relevant Institution's annual report. Such report shall contain an account in general terms of the matters dealt with and the work undertaken. A report may not be traceable to any person in this respect. Furthermore, a Confidential Counsellor shall have a duty not to disclose anything which comes to their knowledge in their capacity as such. One may only derogate from this with the explicit consent of the relevant reporting party.

Paragraph 4. Scientific Integrity Committee

4.1. Appointment and membership

- a. The Executive Board shall appoint the Committee, which shall consist of an external independent chair and no less than two (2) but preferably three (3) other members.
- b. The chair and the members shall be appointed by the Executive Board.
- c. The provisions of Article 3.1 shall apply *mutatis mutandis* subject to the proviso that a Confidential Counsellor shall not be eligible for appointment as the chair or a member of the Committee.
- d. When the appointment occurs, an effort shall be made to ensure that there is a balanced representation of the various fields of science.
- e. The Committee may be extended temporarily to include experts or ad hoc members who may or may not be affiliated to the relevant Institution for the purposes of an investigation.
- f. The Committee shall be assisted by a secretary.

4.2. Duties

The Committee shall investigate Complaints, assess whether scientific integrity has or the standards referred to in Paragraph 5.2(B) of the Code of Conduct have been infringed and shall

present advice to the Executive Board. Acting at the Executive Board's request, it may also conduct an investigation and present advice based on it in the absence of the submission of a Complaint.

4.3. Powers

- a. The Committee shall have the power to obtain information from any Staff Member or Institution body. It may require the inspection or copies of all documentation or correspondence which it may deem relevant for the purposes of its investigation and may impound same or arrange for it to be sealed where it deems it necessary to do so.
- b. The documentation referred to in the foregoing clause shall also include the data for the research covered by the relevant Complaint. Where the Committee deems it necessary to do so, any part of the relevant scientific research and related data which is not publicly available must be presented for inspection by two (2) persons appointed by the Committee from among its number. These people shall conduct such inspection subject to strict confidentiality and shall only share their findings with the Committee. The relevant findings shall be presented in the Committee's advice in such a manner that there is no breach of the confidentiality of the research or relevant data.
- c. The Committee may consult an expert or any other party who may or may not be associated with the relevant Institution. The Institution shall have drawn up an expert protocol for this purpose. A report shall be drawn up on such consultation. In principle, the relevant party shall be notified of the identity of any expert or other party who has been consulted.

4.4. *Modus operandi*

- a. In so far as the Committee's *modus operandi* is not set out in this or in any other procedure, it shall be determined by the chair.
- b. Unless Article 2.6 applies, a Complaint shall be dealt with by the Committee's chair and two (2) or more of its members along with one (1) or more experts or ad hoc members where necessary. The Executive Board shall appoint such experts or ad hoc members at the Committee's request.
- c. Any member of the Committee who is in any way involved with the persons or facts covered by a Complaint or who has some other interest in the relevant matter shall not be eligible to deal with that Complaint.

4.5 Commencement of the proceedings

- a. After the Committee receives a Complaint, the Complainant and the Accused will receive written confirmation within two weeks, stating that it has received the Complaint. The Committee shall also inform the parties involved of the procedure which it will be following and the nature of the Complaint.
- b. The Committee shall decide whether it may deal with a Complaint based on the following requirements:
 - I. the Complaint must include a clearly defined description of the suspected Infringement of Scientific Integrity by one (1) or more Staff Members and must be accompanied by the relevant written documents or other evidence;
 - II. the Complaint must be dated and must mention the Complainant's name, position and contact details. This requirement shall not apply where Article 2.4 is applicable.
- c. In the event that a Complaint is incomplete, the Committee shall afford the Complainant an opportunity to supplement it within a period of time which it stipulates. In this case, the periods referred to in Article 4.5(f) and 4.6(i) shall be extended by a period of time equivalent to that stipulated for the purposes of such supplementation.
- d. The Committee shall have the power to advise the Executive Board not to deal (or to continue to deal) with the substance of a Complaint in the event that:
 - I. an excessively long period of time has elapsed since the suspected infringement or the Complainant has waited unreasonably long before submitting the Complaint. In principle, a period of ten (10) years shall be deemed to be such;
 - II. it or a similar committee has already investigated the Complaint or a request referred to in Article 2.3 in the past;
 - III. the Complainant has infringed the duty of non-disclosure referred to in Article 2.8;
 - IV. the Complaint is anonymous and the Committee holds the view that the facts cannot be investigated without the contribution of a Complainant.
- e. The Committee shall also have the power to advise the Executive Board not to deal with the substance of a Complaint and, as such, to declare it to be inadmissible in the event that it concludes from its initial assessment that the Complaint:
 - I. is *prima facie* unfounded;
 - II. is *prima facie* not important enough;
 - III. only concerns a professional difference of opinion;
 - IV. is merely due to a labour dispute;

V. involves conduct which is not grave enough to give rise to a serious suspicion that scientific integrity has been infringed.

f. Where the Committee is of the opinion that the substance of a Complaint should not be dealt with, it shall present its advice to the Executive Board within four (4) weeks.

g. The Executive Board shall then decide as soon as possible whether to deal with its substance and shall notify the Complainant and the Accused of its decision. Should it be decided not to deal with its substance, this shall be deemed to constitute an initial ruling as provided for in Article 5.1.

h. In the event that Subclause (f) is not applicable or where the Executive Board decides in favour of substantive treatment in accordance with Subclause (g), the Committee shall proceed with such substantive treatment. In this respect, the underlying principle shall apply to the effect that the Accused will be deemed innocent until proved otherwise.

4.6 Substantive treatment of a Complaint

a. The Committee shall ascertain whether there is any other interested party who should be involved in the proceedings in addition to the Complainant and the Accused. The Committee shall examine all of those involved in relation to a Complaint. It shall at any rate afford the Complainant and the Accused an opportunity to be heard.

b. In principle, those involved shall be heard in each other's presence, unless there are compelling reasons to examine them separately. In this case, each of them shall be notified of what has been presented in the course of any hearing during which they were not present.

c. A written report shall be drawn up of a hearing, which shall contain a concise record of what has been stated.

d. The Committee shall make audio recordings of a hearing. They shall serve as an aid for the purposes of producing a report. Once the Executive Board has issued a final ruling and all other legal remedies have been exhausted, the relevant recordings shall be destroyed. With the exception of the Committee, no one may make audio recordings during a hearing.

e. During a hearing, the relevant Complainant and Accused may be assisted but not represented.

f. The Committee may hear witnesses and experts or ask experts to present a written expert report.

g. All relevant information which the Committee collects shall be provided to all of those involved with a view to ensuring fair treatment, unless the Committee has grounds to derogate from this rule for compelling reasons. A reason to refrain from providing certain information shall be included in the relevant advice.

h. An examination or any other hearing conducted by the Committee shall not be open to the public.

i. In principle, within ten (10) weeks after receiving a Complaint, the Committee shall present the Executive Board with a report and advice concerning the validity of the relevant Complaint. It shall use the weighting criteria set out in Paragraph 5.2(C) of the Code of Conduct for this purpose. The Committee may extend the period of ten (10) weeks by four (4) weeks. The relevant Complainant and Accused shall be notified in writing of such extension. Any further extension shall be permitted in so far as the relevant Complainant consents to this in writing.

4.7 Rendering account

The Committee shall render account for its work to the Executive Board *a posteriori* in an annual report for the relevant Institution's annual report. Such report shall contain an account in general terms of the matters dealt with and the work undertaken. A report may not be traceable to any person in this respect. For the rest, the members of the Committee and any expert who is consulted shall have a duty not to disclose anything which comes to their knowledge in that capacity. One may only derogate from this with the explicit consent of the relevant Complainant and Accused.

Paragraph 5. Subsequent proceedings

5.1 The Executive Board shall adopt a provisional decision as soon as possible but at any rate within four (4) weeks after receiving the Committee's advice. It shall immediately notify the relevant Complainant, the Accused and any other interested party accordingly in writing. The report containing the Committee's findings and advice shall be issued along with the provisional decision.

5.2 Within six (6) weeks after the date of the provisional decision, the relevant Complainant, Accused and any other interested party may ask the Netherlands Board on Research Integrity (LOWI) to present advice on it.

- 5.3 Should the LOWI not be asked to present advice within the period stipulated in Paragraph 5.2, the Executive Board shall adopt a final decision on the Complaint.
- 5.4 Where the LOWI is asked to present advice, the Executive Board shall include such advice in its provisional decision.
- 5.5 After the proceedings have been completed, the Executive Board's decision shall be published on the VSNU's website along with the Committee's report containing its findings and advice in an anonymised form.
- 5.6 No objection or appeal may be lodged against the Executive Board's provisional and final decisions in accordance with this paragraph.

Paragraph 6. Protection of those involved

The Executive Board shall ensure that the rights of a Complainant and Accused are protected and that they do not experience any unnecessary disadvantage in relation to their career prospects or otherwise. The same shall apply in respect of any other interested party, witness, expert and Confidential Counsellor, and the members of the Committee.

Paragraph 7. Final provisions

This procedure shall come into effect on the 30th of March 2020 and shall replace all prior complaints procedures pertaining to scientific integrity in so far as Complaints are involved which are lodged on or after this date.

This procedure shall be published on the Wageningen University & Research website.

In case of differences in interpretation between the English and Dutch versions of this Scientific Integrity Complaints Procedure, the original Dutch version shall prevail