

Wageningen University & Research Scientific integrity complaints procedure¹

This complaints procedure has been drawn up in conformity with the joint National Scientific Integrity Complaints Procedure Model of the Dutch universities. The model regulation is not prescriptive, but the universities have agreed among themselves to incorporate its provisions into their own regulations. The goal of a joint model regulation is to ensure that as much as possible, each university applies the same procedure for dealing with suspected violations of scientific integrity. As a result, each person dealing with complaints or suspicions of violations of integrity will utilise the same basic principles, terminology and procedures. This is important because the university takes responsibility for the behaviour of every researcher who carries out or has carried out scientific work on the university's property. For this reason, the university is open to hearing all complaints about the scientific integrity of its researchers and will investigate well-founded suspicions of misconduct.

Because both Wageningen University and research institutes² carry out scientific work within the Wageningen University & Research alliance, this complaints procedure also applies to the scientific activities of the research institutes.

All those involved in scientific education and research within Wageningen University & Research have a responsibility for maintaining scientific integrity. To this end, the basic principles³ of professional scientific behaviour must be followed at all times.

The Dutch Code of Conduct for Academic Practice contains an elaboration of these basic principles, which Wageningen University & Research endorses and considers to be guidelines.

One of the safeguards of scientific integrity is the right to complain about violations or suspected violations of scientific integrity by employees of Wageningen University (WU) and the research institutes (WR) which are part of Wageningen University & Research.

In order to concretise this right to complain, the WU and WR executive boards have established the following regulations.

¹ Wageningen University & Research is an alliance between the legal entity under public law: Wageningen University and the legal entity under private law: the foundation Stichting Wageningen Research and its research institutes.

² As listed on the Wageningen University & Research webpage <http://www.wur.nl/en/Expertise-Services/Research-Institutes.htm>

³ The Dutch Code of Conduct for Academic Practice (drawn up by the VSNU) contains an elaboration of these basic principles, which the university endorses and considers to be guidelines in the sense of Article 1.7 of the Netherlands Higher Education and Research Act (WHW).

Article 1 Definitions

Violation of scientific integrity:

Acts or omissions which conflict with the applicable Code of Conduct for Scientific Practice, including in any case the conduct included in Appendix 1.

Complaint:

A written notice (including e-mail) of a violation or suspected violation of scientific integrity on the part of an employee.

Complainant:

The person who submits a complaint to the committee, whether or not through the executive board, the management council of a research institute, or the confidential counsellor.

Accused:

The employee about whose behaviour a complaint has been submitted.

Executive Board:

The executive board of Wageningen University or the executive board of WR or both executive boards together.

Employee:

The person who has or has had an employment contract at WU or WR in conformity with the Collective Labour Agreement for Dutch Universities (CAO-NU) or the Collective Labour Agreement for WR (CAO-WR), or who is or was otherwise employed by WU or WR.

Management:

The management council of a Wageningen University & Research organisational component.

Confidential Counsellor:

The person who is appointed as confidential counsellor for matters relating to scientific integrity by the executive board of WU or WR.

Committee:

The independent committee set up by the executive boards of WU and WR for the purpose of dealing with complaints regarding violations of scientific integrity.

Article 2 General provisions

- Everyone has the right to submit a Complaint to the Committee, whether or not through the Executive Board, the Management or the Confidential Counsellor.
- If the Complaint concerns a member of the Executive Board or the Management, the Complaint can be submitted to the Committee, whether or not through the WU Supervisory Board or, if relevant, the WR Supervisory Board, or the Confidential Counsellor. In that case the Committee will present its advice to the Supervisory Board, which is then authorised to follow the procedure outlined under Article 5.
- Everyone is obliged to provide, within the reasonable time limit set, every reasonable assistance requested by the Confidential Counsellor or the Committee in connection with the performance of its duties.
- Everyone who is involved in a Complaint procedure is obliged to maintain confidentiality regarding all information of which they become aware in the course of the Complaint procedure.

Article 3 Confidential Counsellor

a. Appointment

- The Executive Board, advised by the Dean of Research, appoints two or more Confidential Counsellors for a four-year period. It is possible for a Confidential Counsellor to be reappointed for a contiguous period of four years.
- All appointees must:
 - be a Professor or Professor Emeritus with many years of experience in research and education, preferably gained at one or more Dutch universities;
 - have an unimpeachable scientific reputation;
 - be open and easy to approach;
 - be able to deal with contradictions and conflicts;
 - not have any secondary positions or responsibilities which are incompatible with an unimpeachable and independent scientific reputation.
- The Executive Board may prematurely terminate the appointment:
 - at the request of the Confidential Counsellor;

- if the Confidential Counsellor no longer meets the requirements for appointment;
- if the Confidential Counsellor's performance is unsatisfactory, as advised by the Dean of Research.
- The following are not eligible for appointment: the members of the Supervisory Board, the members of the Executive Board and anyone responsible for the leadership of one or more Wageningen University & Research. The position of Confidential Counsellor is incompatible with the position of chair or member of the Committee as laid out in Article 4 of this regulation (and vice versa).

b. Responsibility

The Confidential Counsellor:

- acts as an easily approachable point of contact for questions and Complaints about scientific integrity;
- to the extent that s/he sees possibilities for this, tries to mediate or to otherwise amicably resolve the Complaint;
- advises the Complainant on how to submit a Complaint to the Committee.

c. Method

- Confidential Counsellors who are in any way connected with the persons who or facts which are the subject of the questions or Complaints are not eligible to deal with them.
- After a discussion about the question or Complaint, the Confidential Counsellor evaluates the situation and offers advice as to appropriate follow-up actions.
- These follow-up actions may consist of mediation by the Confidential Counsellor or referral to the Committee.
- If any fraud is involved or if the Confidential Counsellor suspects elements of fraud, s/he reports this to the Executive Board and advises the involved parties to report it to the Committee.

d. Accountability

The Confidential Counsellor renders account for her/his work activities to the Executive Board in an annual report subsequent to these activities for use in connection with the Wageningen University & Research annual report. In drawing up this report, the Confidential Counsellor is to respect due confidentiality in relation to the information of which s/he has become aware in the performance of her/his duties.

Article 4 Committee

a. Appointment and composition

- The Executive Board is to set up a Committee to deal with Complaints regarding violations of scientific integrity.
- The Committee is to consist of the chair, vice chair and at least two general members.
- The chair and other members are appointed by the Executive Board, advised by the Dean of Research¹, for a period of four years. At the end of a term, members may be re-appointed for a subsequent four years.
- The provisions of Article 3.a apply by analogy.
- In appointing the members of the Committee, the Executive Board will strive to achieve a balanced representation of the scientific areas in which WU and WR are active.
- For purposes of the investigation of a particular Complaint, experts (whether connected with WU or WR or independent) may join the Committee temporarily.
- The Committee receives administrative support from a Wageningen University & Research staff member.

b. Responsibility

The Committee investigates Complaints and presents advice on them to the Executive Board.

c. Authority

- The Committee is authorised to collect information from all employees and bodies of Wageningen University & Research and externally. It can demand to inspect all documentation and correspondence which it deems important for the investigation of a Complaint.
- The Committee can consult experts, whether connected with Wageningen University & Research or independent. A report of the consultation is to be drawn up.

d. Method

- A Complaint is dealt with by the chair of the Committee and at least two other members, potentially supported by one or more experts. The chair determines the method to be applied, observing the provisions of this complaints procedure.
- Committee members who are in any way connected with the persons who or facts which are the subject of the Complaint are not eligible to deal with them.

- When a Complaint is submitted to the Committee, the Committee is to inform the Executive Board of this fact in writing.
- The Committee evaluates the admissibility of the Complaint on the basis of the following criteria:
 - a clear description of the violation or suspected violation of scientific integrity on the part of one or more individual WU or WR employees;
 - the inclusion of the relevant written documents or other forms of evidence;
 - the inclusion of the name, position and contact information of the Complainant;
 - the presence of a date.
- The Committee may offer the Complainant the opportunity to elaborate on the Complaint within a time period set stipulated by the Committee.
- If the Complaint is written in a foreign language and a translation is required in order to properly deal with the Complaint, the Complainant is responsible for obtaining a translation.
- At the request of the Executive Board, the Committee can investigate a Complaint without knowing the identity of the Complainant.
- The Committee is authorised to refuse to investigate a Complaint if:
 - the alleged violation took place more than five years ago;
 - it has previously investigated the same Complaint;
 - there is or previously was another organised complaint, objection or appeal procedure within Wageningen University & Research open to the Complainant with regards to the behaviour to which the Complaint refers.
- The Committee is to reach a conclusion on the admissibility of the Complaint within three weeks. If it concludes that the Complaint is inadmissible, it is to immediately inform the Executive Board of this fact.
- If the Committee concludes that the Complaint is admissible, it proceeds to an investigation of the content.
 - The Committee interviews everyone involved in the Complaint. These interviews are to be recorded in a report.
 - The Complainant and the Accused may be assisted by a third party during the interview.
 - In principle the involved parties are not to be interviewed in each other's presence.
 - The Committee may interview witnesses and experts.
 - The interviews are conducted in private.
- The Committee is to present its advice to the Executive Board regarding the merits of the Complaint within twelve weeks after receiving the Complaint. The Committee may extend this deadline once by four weeks.

e. Accountability

The Committee renders account its work activities to the Executive Board in an annual report subsequent to these activities for use in connection with the Wageningen University & Research annual report. In drawing up this report, the Committee is to respect due confidentiality in relation to the information of which it has become aware in the performance of its duties.

Article 5 Follow-up procedure

- The Executive Board draws up its initial opinion within four weeks after receiving the Committee's advice. It then immediately informs the Complainant and the Accused of its opinion in writing. The Committee's advice is included with the initial opinion. If the Executive Board's initial opinion deviates from the Committee's advice, the initial opinion includes an explanation of the reason for the deviation.
- Within six weeks of receiving the notice from the Executive Board referred to in paragraph 1 of this Article, the Complainant or the Accused can request that the National Board for Research Integrity (*Landelijk Orgaan voor Wetenschappelijke Integriteit*, LOWI) give advice regarding the initial opinion of the Executive Board. The Complainant or the Accused must send a copy of this request to the Executive Board. Upon LOWI's request, the Committee is to immediately send to LOWI a copy of all documents in its possession relating to the Complaint.
- If LOWI's advice is not requested within the time limit referred to in paragraph 2 of this article, the Executive Board draws up its definitive opinion on the Complaint.
- If LOWI's advice has been requested, the Executive Board incorporates LOWI's advice into its definitive opinion.

- If the Accused is still employed by Wageningen University & Research, the Executive Board may decide on possible measures or further steps to be taken, observing the provisions of public service and employment law.

Article 6 Protection of the parties involved

Submitting a Complaint in accordance with this regulation must not directly or indirectly result in any negative consequences for the Complainant unless s/he has not acted in good faith. Not acting in good faith includes but is not limited to submitting a Complaint in order to deliberately damage another person's good name or honour. This also applies to witnesses, experts, the Confidential Counsellor and the members of the Committee.

Article 7 Unforeseen circumstances

In all circumstances not provided for in this regulation, the Executive Board (or the Supervisory Board if the Complaint concerns a member or members of the Executive Board) is to decide on the appropriate procedure.

Article 8 Date of entry into force

This regulation entered into force on 20 December 2017 and replaces all previous complaint procedures relating to issues of scientific integrity.

Article 9 Final provisions

This regulation can be cited as 'Wageningen University & Research Scientific integrity complaints procedure' and is published on the Wageningen University & Research website.

For all admissible Complaints investigated by the Committee and concluded since 2005, the advice of the Committee and the opinion of the Executive Board have been published in anonymous form on the VSNU website.

Appendix 1 Violations of scientific integrity

Appendix 1

Appendix to Model scientific integrity complaints procedure Violations of scientific integrity

There is widespread agreement within the scientific community on proper behaviour for those engaged in scientific activity and what behaviour should be condemned as violations of scientific integrity. In the Netherlands, this agreement is reflected in the Royal Netherlands Academy of Arts and Sciences' *Notitie Wetenschappelijke Integriteit* ('Memorandum on research integrity') from 2001 and the VSNU's Code of Conduct for Scientific Practice from 2004. Of the many international documents on the subject, the ALLEA European Code of Conduct for Research Integrity from 2011 is the most influential.

Errors can be made anywhere and there are several different types of misconduct. The scientific professions can only function properly if all the demands of scrupulousness, reliability, honesty, neutrality, responsibility and respect are fulfilled. Scientific misconduct does an injustice to the truth, to other scientists and to society. The party primarily responsible for discouraging and, if necessary, punishing misconduct is the university, the research institute or the scientist's employer.

The Dutch universities state that they categorically reject and actively oppose the types of behaviour summarised below, and that where necessary they will punish these types of behaviour by means of all the penalties at their disposal. Violation of scientific integrity includes, but is not limited to:

- Invention: entering fictitious data.
Fabricating or making up data which is presented as findings genuinely obtained from research. This has an impact on the heart of science, the process of establishing the truth.
- Falsification: forging data and/or clandestinely discarding research results.
Data which is displeasing to the researcher must never be altered to match expectations or theoretical results. Data may only be omitted on demonstrably valid grounds.
- Plagiarising others' publications and results in whole or in part.
Scientific research can only function if there is honest recognition of each person's intellectual property and contribution to knowledge. This is true for every aspect of scientific research, from student projects and papers to scientific publications and doctoral theses. Plagiarism is more than just literal copying. It also includes paraphrasing, omitting citations or references and clandestinely using data, designs, or tables prepared by others. Under copyright law, victims of plagiarism have recourse to compensation through the courts, but even if there is no direct victim, or no longer a direct victim, a researcher can be charged with plagiarism.
- Deliberately ignoring and failing to acknowledge contributions by other authors.
This is a form of misconduct which is related to plagiarism. Deliberate gross violations which cannot be resolved within the scientific community necessitate an independent judgement by the Scientific Integrity Committee.
- Falsely representing oneself as author or co-author.
A researcher may only be called the co-author of a publication if s/he has made a demonstrable contribution to the publication in the form of ideas and expertise, research, or the development of a theory. A researcher who adds her/his name to a publication has an obligation to ascertain as far as possible that the content of the publication is sound and correct.
- Deliberately incorrectly using methods, including statistical methods, and/or deliberately incorrectly interpreting results.
The interpretation, including the statistical interpretation, of research data and empirical results is part of the scientific discourse, as is the issue of whether a given interpretation is correct or not. An incorrect interpretation becomes misconduct when a scientist persists in incorrectly interpreting facts and presenting unfounded conclusions despite the fact that the scientific community has arrived at an undisputed conclusion on the matter. If necessary, a Scientific Integrity Committee with external peers can evaluate the case.
- Culpable negligence in carrying out research.
This is only misconduct when the researcher's actions go further than errors and carelessness and when the researcher does not modify her/his actions after receiving serious, well-founded criticism. A Scientific Integrity Committee can investigate whether this is the case.
- Allowing and concealing misconduct on the part of colleagues.
A researcher or administrator has a duty of care with respect to science as a whole and in particular

to the scientists in her/his immediate surroundings. It is important to recognise that positions of authority in science, such as that found in the relationship between the doctoral thesis supervisor and the doctoral candidate, can make it difficult to lodge complaints about colleagues.