Complaints Procedure for Scientific Integrity

NWO Institutes
Preamble
It is essential that scientific research is carried out in accordance with the guiding principles of scientific integrity: honesty, diligence, transparency, independence and responsibility. Research that does not follow these principles may cause direct harm (for example, to the environment or patients) and may undermine public confidence in science and trust between researchers. NWO therefore considers it its duty to monitor both the quality of scientific research funded by NWO and the quality of scientific research carried out by the NWO Institutes.

Since NWO endorsed the updated Dutch Code of Conduct for Scientific Integrity 2018 and adopted a fair and scrupulous procedure for handling suspected complaints related to scientific integrity and the subsequent decision-making, the said Code of Conduct is applicable to NWO-I. Anyone may submit a complaint of alleged scientific misconduct to the Confidential Counsellor for scientific integrity. If no solution is reached, the complaint is referred to the Scientific Integrity Committee, which investigates the complaint and issues an opinion. Based on the opinion of the Scientific Integrity Committee, the NWO-I Board adopts an initial judgement. The Complainant and/or respondent may submit this initial judgement to the Netherlands Board on Research Integrity (LOWI).

The Complaints Procedure for Scientific Integrity – NWO Institutes applies to complaints of alleged “scientific misconduct” (as defined herein) by an NWO-I employee.
I. GENERAL

Article 1. Definitions

1) The following definitions apply for the purposes of this Procedure:
   a) **Respondent**: an employee whose conduct is the subject of a complaint or an investigation carried out by the committee at the Board’s request.
   b) **Board**: Board of the Netherlands Foundation of Scientific Research Institutes (NWO-I).
   c) **NWO-I Scientific Integrity Committee**: a committee set up by the Board to assess the content of the complaint and to inform and advise the Board concerning its findings. The Board may set up an ad hoc or a permanent committee.
   d) **Institute**: as defined in the Statutes of NWO-I.
   e) **Institute Director**: as defined in the Statutes of NWO-I.
   f) **Complaint**: a written report (which term includes emails) concerning a (suspected) instance of Scientific Misconduct on the part of an Employee.
   g) **NWO-I Complaints Procedure**: the present Complaints Procedure for Scientific Integrity.
   h) **Complainant**: the person who addresses a Complaint to the NWO Scientific Integrity Desk, whether or not via the Board or the Confidential Counsellor.
   i) **LOWI**: Netherlands Board on Research Integrity. **Employee**: a person who has or has had an employment contract with NWO-I or one of its Institutes under the WVOI collective labour agreement, or who is or has been otherwise employed under the responsibility of NWO-I or one of its Institutes.
   j) **NWO Scientific Integrity Desk**: digital mailbox for submitting a Complaint; has an NWO Scientific Integrity Desk Secretariat.
   k) **Dutch Code of Conduct for Scientific Integrity**: the Dutch Code of Conduct for Scientific Integrity as endorsed by NWO, which took effect on 1 October 2018.
   l) **NWO**: Dutch Research Council.
   m) **NWO-I**: Netherlands Foundation of Scientific Research Institutes.
   n) **Board**: the Board of NWO-I.
   o) **Scientific Misconduct**: the infringing of nationally and internationally accepted standards of scientific conduct, as set out in the applicable Dutch Code of Conduct for Scientific Integrity.
   p) **NWO Scientific Integrity Desk Secretariat**: the Legal Affairs department of NWO-I that acts as the Secretariat of the NWO Scientific Integrity Desk.
   q) **Confidential Counsellor**: a person appointed by the Board as a confidential counsellor for scientific integrity.

Wherever in this NWO-I Complaints Procedure the terms "he", "him" or "his" are used, these may also read "she", "her" or "them".

Article 2. General

1) Anyone may consult the Confidential Counsellor if they have a question or a Complaint concerning the conduct of scientific research.
2) Anyone may submit a Complaint. For the procedure, please see Sections II and III of this NWO-I Complaints Procedure for Scientific Integrity.
3) All parties involved in the Complaint must provide the Confidential Counsellor or the Scientific Integrity Committee with all cooperation that the latter may reasonably request in the exercise of their powers. If such cooperation is not forthcoming, the Board may draw the conclusions it deems appropriate.
4) All persons involved in handling a Complaint must maintain confidentiality regarding everything that comes to their knowledge in connection with the Complaint. This duty of confidentiality continues after the end of the Procedure, except in the case of anonymised reporting, e.g. in annual reports. If the duty of confidentiality is breached, the Board may impose appropriate measures.
II. CONFIDENTIAL COUNSELLOR

Article 3. Appointment of a Confidential Counsellor

1) The Board appoints a Confidential Counsellor (or multiple Confidential Counsellors) for a term of five years. A one-off reappointment for a consecutive term not exceeding five years is possible. Members of the NWO Supervisory Board, members of the Board and members of the Scientific Integrity Committee are excluded from appointment;

2) A Confidential Counsellor should at least have the following qualifications:
   a) has experience of conflict management;
   b) has an impeccable scientific reputation;
   c) carries out no other activities that could interfere with the role of confidential counsellor.

3) The Board may terminate the appointment of a Confidential Counsellor prematurely:
   a) at the Confidential Counsellor’s own request;
   b) if the Confidential Counsellor no longer meets the requirements for appointment set out in paragraph 2;
   c) due to improper performance as a confidential counsellor.

4) The activities of the Confidential Counsellor are governed by the NWO Code for Dealing with Personal Interests.

Article 4. Duties of Confidential Counsellor

The Confidential Counsellor:

1) Acts as a point of contact for questions and complaints concerning the conduct of scientific research, including the publication of research results.

2) Attempts - if there are opportunities for doing so - to resolve complaints amicably by mediation between the parties or by other means.

3) Refers the Complainant to the Scientific Integrity Committee via the Scientific Integrity Desk and the Scientific Integrity Complaints Procedure by asking the Scientific Integrity Committee to investigate the complaint if a solution under 2) is not possible.

4) Reports on the activities to the Board by means of a retrospective annual report worded in general terms without identifying any individuals.

5) May not assist both the Respondent and the Complainant.

6) Must maintain confidentiality regarding everything that becomes known to them in their capacity.
III. COMPLAINTS PROCEDURE

Article 5. Scientific Integrity Committee; appointment and composition
1) The Board sets up a Scientific Integrity Committee to assess the content of a Complaint. This may be an ad hoc or a permanent committee.
2) The Scientific Integrity Committee consists of a chairperson and at least two other members. At least one of the members is a lawyer.
   The members of the Scientific Integrity Committee are appointed by the Board, in the case of a permanent committee, for a term of five years. The Board may determine whether the Scientific Integrity Committee can be temporarily expanded to include experts or ad hoc members who may or may not be associated with the organisation.
3) Members of the NWO Supervisory Board, the Confidential Counsellor and the relevant Institute Director are not eligible for appointment to the Scientific Integrity Committee.
4) A member of the Scientific Integrity Committee should at least have the following qualifications:
   a) deals well with conflicts and differences of opinion;
   b) has an impeccable scientific reputation;
   c) is not an employee of NWO-I and holds no managerial position at NWO-I or otherwise that could hinder the proper functioning of the committee.
5) The Board may terminate the appointment prematurely:
   a) at the own request of the chairperson or member of the Scientific Integrity Committee;
   b) if the chairperson or member of the Scientific Integrity Committee no longer meets the requirements for appointment set out in paragraph 3;
   c) due to improper performance as a chairperson or member of the Scientific Integrity Committee.
6) A Confidential Counsellor of the Scientific Integrity Desk is not eligible for appointment as a chairperson or member of the Scientific Integrity Committee.
7) The activities of the Scientific Integrity Committee are governed by the NWO Code for Dealing with Personal Interests.
8) The Scientific Integrity Committee reports on its activities to the Board by means of a retrospective annual report worded in general terms without information relating to identifiable persons.

Article 6. Scientific Integrity Committee; duties
The duties of the Scientific Integrity Committee are to investigate the Complaint or request (based on Article 11) and to advise the Board accordingly.

Article 7. Scientific Integrity Committee; powers
The Scientific Integrity Committee has the power to:
1) Obtain information from NWO-I employees and bodies.
2) Demand access to all documentation and correspondence that it deems relevant to its investigations, and to seize or order the seizure of such documentation and correspondence if it deems necessary.
   The term 'documentation' includes the research data to which the Complaint relates. If the Scientific Integrity Committee deems it necessary, non-publicly available parts of the scientific research and related data will be made available for inspection to persons specifically designated by the Scientific Integrity Committee. These persons carry out the inspection under a strict duty of confidentiality and share their findings only with the Scientific Integrity Committee. The relevant findings will be presented in the opinion of the Scientific Integrity Committee in such a way that the confidentiality of the research or the research data is not infringed.
3) Consult experts or other third parties who may or may not be associated with the organisation.
Article 8. Scientific Integrity Committee; working methods
The working methods of the Scientific Integrity Committee are determined by the chairperson, provided no further regulations on working methods have been laid down.

Article 9. Scientific Integrity Desk Secretariat
1) The Legal Affairs department of NWO-I acts as the Secretariat of the Scientific Integrity Desk.
2) The Scientific Integrity Desk Secretariat:
   a) advises the Board on whether the Complaint can be handled by NWO-I, and reports on this to the Board;
   b) supports the Confidential Counsellor in the performance of their duties;
   c) supports the NWO-I Scientific Integrity Committee in the performance of its duties.

Article 10. Submitting a Complaint
1) Anyone may submit a Complaint to the Scientific Integrity Desk.
2) The Complaint should be in Dutch or English, and should include at least:
   a) the name and address of the Complainant;
   b) the date;
   c) the signature of the Complainant;
   d) a description of the alleged Scientific Misconduct;
   e) the name or description of the person(s) against whom the Complaint is addressed, indicating the relationship between the Respondent and the Complainant;
   f) a clear description of the alleged Scientific Misconduct.
3) The Complainant should submit the Complaint together with any supporting evidence in the Complainant's possession.
4) If the Complaint is a repeat of a complaint previously handled by NWO-I, the Board may dismiss the Complaint with reference to its previous decision, unless the Complainant demonstrates newly emerged facts or changed circumstances.

Article 11
The Board may also ask the Scientific Integrity Committee to investigate alleged Scientific Misconduct without a Complaint having been submitted.

Article 12
The Scientific Integrity Committee will consider an anonymous complaint only if the Scientific Integrity Committee sees good reason to do so on the basis of:
1) compelling public interests or compelling interests of the organisation or the respondent and
2) the factual basis for the Complaint can be investigated without input from the Complainant.

Article 13
If the Complaint concerns a member of the Board, the NWO Supervisory Board will assume the role and powers assigned to the Board under this Procedure.

Article 14
If a Complaint concerns an Employee who has been employed by one or more other institutions that have endorsed the Dutch Code of Conduct for Scientific Integrity and the Complaint can therefore be investigated at multiple institutions, the Complaint may be handled jointly, or the institutions may make other arrangements for its handling. In this case, the handling of the Complaint will be decided by the Board.
Article 15. Receipt of the Complaint

1) The Scientific Integrity Desk Secretariat confirms receipt of the Complaint in writing within one week.

2) The Scientific Integrity Desk Secretariat informs the Respondent, the Complainant and the relevant Institute Director of the receipt of the Complaint and the further procedure within three weeks.

3) The Board may decide not to consider a Complaint if:
   a) the Complaint does not meet the requirements set out in Article 10, second paragraph, of this Procedure, provided the Complainant has been given the opportunity to rectify the omission within a reasonable time limit;
   b) the Complaint may be subjected to the judgement of a scientific integrity committee of another institution;
   c) the Complaint has already or has previously been subjected to the judgement of a scientific integrity committee of another institution or judicial authority;
   d) too long a period has elapsed since the alleged Scientific Misconduct, or the Complainant has waited an unreasonably long period before submitting a Complaint;
   e) the Complaint concerns a purely professional difference of opinion;
   f) the Complaint is attributable solely to a labour dispute;
   g) the Complaint is manifestly unfounded;
   h) the Complaint is manifestly trivial.

4) If the Board considers the Complaint admissible, the Board sets up a temporary or permanent Scientific Integrity Committee in accordance with Article 5, if this has not already been done, and asks the Scientific Integrity Committee to assess the content of the Complaint.

Article 16. Handling by the Scientific Integrity Committee

1) If the Scientific Integrity Committee considers the Complaint to be manifestly unfounded on first evidence, the Scientific Integrity Committee may rule that the Complaint is manifestly unfounded. In this case, the Scientific Integrity Committee will immediately issue an opinion to the Board. The Board will immediately inform the Complainant, the Respondent and the relevant Institute Director.

2) If the content of the Complaint is handled by the Scientific Integrity Committee, the following procedure applies:
   a) The Scientific Integrity Committee informs the Complainant, the Respondent and the relevant Institute Director of the Complaint.
   b) The Scientific Integrity Committee gives the Respondent the opportunity to submit a written defence and sets a reasonable time limit for doing so.
   c) The Scientific Integrity Committee hears the parties it considers to be involved in the Complaint, including the Complainant and the Respondent.
   d) The parties may be assisted at the hearing by an authorised representative or a lawyer.
   e) Hearings are not conducted in public.
   f) The Scientific Integrity Committee may hear witnesses and experts or ask experts to submit a written report.
   g) Hearings are minuted or recorded.
   h) The Complainant and the Respondent are heard in each other’s presence unless there are compelling reasons for not doing so. In such a case, any parties not present at the hearing will be informed of the matters discussed in their absence.

3) In accordance with Article 7, the Scientific Integrity Committee may request access to all documentation and correspondence that it deems relevant to the assessment of the Complaint.

4) Within ten weeks after assessing the content of the Complaint, the Scientific Integrity Committee issues a written opinion to the Board on whether or not the Complaint is well-founded. The Scientific Integrity Committee may extend this term once by no more than four weeks.
5) The opinion of the Scientific Integrity Committee should include at least:
   a) a description of the procedure followed;
   b) a description of the positions of the parties involved, and the views of any witnesses and/or experts who have been consulted;
   c) whether the Scientific Integrity Committee considers the Complaint to be founded or unfounded and, if it considers it to be founded, which of the qualifications referred to in Section 5.2 of the Dutch Code of Conduct for Scientific Integrity should in its opinion be attributed to the Complaint;
   d) the grounds of the opinion of the Scientific Integrity Committee.

6) The opinion of the Scientific Integrity Committee is submitted to the Confidential Counsellor for information.

Article 17. Decision-making and follow-up procedure
1) The Board adopts its initial judgement on the Complaint in its next meeting after receiving the opinion of the Scientific Integrity Committee.
2) The Board immediately issues a written notification of the initial judgement to the parties involved in the Complaint, including the Complainant and the Respondent, together with the opinion of the Scientific Integrity Committee. If the Board deviates in its initial judgement from the opinion of the Scientific Integrity Committee, the reason for the deviation will be stated in the initial judgement.
3) The Complainant and the Respondent may ask the LOWI to issue an opinion on the Board’s initial judgement within six weeks after the date of the initial judgement. The current LOWI regulations apply to the procedure.
4) If the Complainant has not asked the LOWI for an opinion within the term referred to in the third paragraph, the initial judgement will be converted into a final judgement. The parties involved will be notified of this in writing.
5) If the Complainant has asked the LOWI for an opinion, the Board will adopt its final judgement after receiving that opinion. If the Board deviates in its final judgement from the opinion of the LOWI, the reason for the deviation will be stated in the judgement.
6) The Board immediately notifies the final judgement in writing to the parties involved in the Complaint, including the Complainant, the Respondent and, if applicable, the institution involved.

Article 18 Protection of parties involved
1) Submission of a Complaint under this Procedure cannot lead to any direct or indirect disadvantage for the Complainant. The principle of good faith applies. In particular, a Complainant did not act in good faith if a Complaint was submitted deliberately in order to harm a person’s reputation. The same applies to witnesses, experts, the Confidential Counsellor or members of the Scientific Integrity Committee.
2) NWO-I will make every effort to ensure that neither the Complainant nor the Respondent suffers any undue harm to their career prospects or otherwise as a result of the submission of a Complaint.

Article 19. Unforeseen cases
The Board will decide in all cases not covered by this Procedure.

Article 20. Entry into force and publication
1) This Procedure enters into force on 8 April 2020 and replaces all previous complaints procedures in relation to scientific integrity within NWO-I.
2) This Procedure may be cited as the “NWO-I Complaints Procedure for Scientific Integrity” and will be published on the NWO-I website and the website of the individual NWO institute, if applicable.
Adopted by the NWO-I Board,
Date: 8 April 2020