



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