

2020-02 inadmissible

Translation advice Research Integrity Committee March 10, 2020

This text is an English translation of the Dutch original.

In case of any divergence of interpretation, the Dutch text prevails

ADVICE

in respect of the complaint submitted by

Complainant: *[name complainant]*

against the decision of the Executive Board of 15 January 2020 (reference 212.20.CABB).*[name complainant]*

In these proceedings the Research Integrity Committee of Tilburg University (hereinafter referred to as 'the Committee') was composed as follows:

- Prof. Th. E. Nijman (chairperson)
- Prof. P.H.A.I. Jonkers (member)
- Prof. M.J.P.M. van Veldhoven (member)

secretaries:

- R.D. Harteman, LL.M.
- G.E. Verhagen

1. Introduction and substance of the complaint

- 1.1. On 5 February 2020 *[Name complainant]* (hereinafter referred to as 'the Complainant') submitted a complaint to the Research Integrity Committee (hereinafter referred to as 'the Committee'). For the substance of the complaint the Complainant referred to the letter he sent on 31 January 2020 to the Objections and Appeals Advisory Committee (hereinafter referred to as 'the OAAC'), the Board of Governors and the Executive Board.
- 1.2. In his letter of 31 January 2020 the Complainant lodged an objection against the decision of the Executive Board of 15 January 2020, in which the Executive Board states that the OAAC was not authorized to judge on the complaint of the Complainant of 13 and 14 November 2019, and that the OAAC therefore refrained from issuing its advice. The Complainant requests, among other things, the withdrawal of the decision of the Doctorate Board of 5 September 2019 to the effect that his registration as a PhD candidate be ended, and requests that all relevant measures be taken to continue his PhD program.
- 1.3. On 19 February 2020 the Committee confirmed the receipt of the complaint to the Complainant, and informed the Complainant that the Committee would notify him of the further progress of the proceedings within four weeks.

2. Facts and circumstances

- 2.1 A brief description of the prior history is important for the evaluation of the complaint and its admissibility.

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- 2.2 In a decision of 4 September 2018, the Doctorate Board ended the registration of the Complainant as a PhD candidate. The Complainant made an objection to this to the Doctorate Board and others. In a letter of 24 September 2018, the Complainant was informed by the Executive Board that the Doctorate Board, as the competent authority, would deal with his complaint.
- 2.3 On 8 October 2018 the Doctorate Board, in accordance with article 32 of the PhD Regulations, appointed an advisory committee to advise on the dispute that had arisen. The advisory committee was composed as follows: [*Name chairperson*] (chairperson), [*name member 1*] and [*name member 2*].
- 2.4 On 13 November 2018 the advisory committee issued its advice to the Doctorate Board. On 6 December 2018 the Doctorate Board adopted the advice of the advisory committee. In the abovementioned decision, the Doctorate Board withdrew the decision of 4 September 2018 and decided to have the Complainant's manuscript examined by an ad hoc committee. Depending on the outcomes of that examination it would be decided by the Doctorate Board if the registration of the Complainant as a PhD candidate would be continued or ended.
- 2.5 On 17 June 2019 the ad hoc committee, consisting of [*name member 1*], [*name member 2*] and [*name member 3*], concluded that the manuscript of the Complainant could not in the short term lead to a manuscript that would be admissible for defense.
- 2.6 In a decision of 5 September 2019 the Doctorate Board adopted the conclusion of the ad hoc committee, and ended the registration of the Complainant as a PhD candidate.
- 2.7 In a letter of 5 September 2019 the Complainant informed the Doctorate Board, the Executive Board and others that he was not in agreement with the abovementioned decision. In a letter of 17 October 2019 the Head of Legal Affairs, on behalf of the Rector Magnificus, informed the Complainant that he was of the opinion that the complaints of the Complainant had been investigated and handled carefully and in accordance with the internal procedures, and that the decision of the Doctorate Board would be upheld.
- 2.8 In emails of 13 November 2019 and 14 November 2019 the Complainant lodged an objection with, among others, the Doctorate Board, the Executive Board and the OAAC. This objection was directed against the decision of 5 September 2019 and against the letter of 17 October 2019.
- 2.9 On 15 January 2020 the OAAC advised that it was not the competent body to advise on the objection, and therefore did not issue any substantive advice. In a decision of 15 January 2020 the Executive Board adopted this advice.
- 2.10 The complaint of the Complainant currently under evaluation by the Research Integrity Committee is directed against the abovementioned decision of the Executive Board.

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3. Legal framework

- 3.1 The Research Integrity Regulations of Tilburg University dated 1 November 2019 (hereinafter referred to as 'the Complaints Regulations') apply to the handling of the complaint.
- 3.2 In article 1 of the Complaints Regulations a complaint is defined as follows: '*A written notification concerning an alleged violation of research integrity committed by an employee.*'
- 3.3 The Committee is entrusted with the handling of complaints concerning a violation of research integrity (cf. article 7, paragraph 1 of the Complaints Regulations).

4. Judgment of the Committee

- 4.1 Firstly, the Committee determines that the Complainant has not presented any alleged violation of research integrity committed by an employee. On this ground alone, the complaint of the Complainant is inadmissible.
- 4.2 Moreover, the Committee determines that the complaint of the Complainant is directed against the decision of the Executive Board of 15 January 2020. However, the Committee deals with complaints concerning the violation of research integrity, and is not an appeal body for decisions of the Executive Board concerning an OAAC procedure (see article 1 of the Complaints Regulations). In view of this, the Committee is not authorized to handle the substance of the complaint.

5. Advice

- 5.1 In view of the above the Committee advises the Executive Board of Tilburg University that the complaint is inadmissible, or does not qualify for substantive handling, because:
- the complaint does not concern an alleged violation of research integrity committed by an employee; and
 - the complaint is directed against the decision of the Executive Board of 15 January 2020 (reference 212.20.CABB [*name complainant*]) and the Committee is not an appeal body for decisions of the Executive Board concerning OAAC procedures.

Tilburg, 10 March 2020

On behalf of the Research Integrity Committee,

Prof. Th. E. Nijman
chairperson

R.D. Harteman, LL.M.
secretary