

2020-05 inadmissable

**Translation advice Research Integrity Committee December 17, 2020**

*This text is an English translation of the Dutch original.*

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

## ADVICE

concerning the complaint submitted by

**Complainant:** [*name Complainant*]

against

**Respondent:** [*name Respondent*]

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

- Prof. Emer. A.M. Hol (chairperson)
- Prof. M.L. Antheunis (member)
- Prof. J.K. Vermunt (member)

secretaries:

- M.F. Nolen LL.M.
- G.E. Verhagen

### 1. Introduction and content of the complaint

1.1. On October 31, 2020 [*name Complainant*] (hereinafter referred to as **'the Complainant'**) submitted a complaint (hereinafter referred to as **'the Complaint'**) to the Research Integrity Committee (hereinafter referred to as **'the Committee'**) concerning a suspicion of violation of research integrity by [*name Respondent*] (hereinafter referred to as **'the Respondent'**). The Respondent had allegedly been guilty of making unfounded, unscientific predictions and of being unwilling to share data underlying the research results in the paper [*title paper*].

1.2. On November 2, 2020 the secretariat of the Committee confirmed receipt of the complaint to the Complainant and informed the Complainant that the Committee would notify him of the admissibility of the complaint within four weeks. The secretariat of the Committee also sent the Complainant the Tilburg University Research Integrity Complaints Regulations of November 1, 2019 (hereinafter referred to as **'the Complaints Regulations'**) and the Dutch Code of Conduct for Academic Research 2004 (2012 version and 2014 version).

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- 1.3. On November 13, 2020 the Committee noted that it had insufficient information to judge on the admissibility of the complaint. The Committee then, on November 17, 2020, requested the Complainant by email, in accordance with article 9 paragraphs 2 and 3 of the Complaints Regulations, to supplement his complaint with relevant written documents and other evidence and to further inform the Committee of the Complainant's position and contact details.
- 1.4. On November 23, 2020 the Complainant responded with a request for the provision of the data of [*name Respondent*].
- 1.5. On December 1, 2020 the secretariat of the Committee notified the Complainant that the Committee had been offered insufficient possibility to judge on the completeness and substantive admissibility of the Complaint with the information further received from the Complainant on November 23, 2020. For this reason, the Complainant was again given the opportunity to supplement the Complaint and was granted an additional period to do so, ending on December 14, 2020.
- 1.6. The Complainant has not sent the Committee any additional information after November 23, 2020.

## 2. Legal framework

- 2.1 The Tilburg University Research Integrity Complaints Regulations of November 1, 2019 apply to the handling of the Complaint.
- 2.2 The Committee is responsible for the handling of a Complaint concerning violation of research integrity (article 7, paragraph 1 of the Complaints Regulations).
- 2.3 The Committee evaluates whether it can handle a Complaint on the basis of, among other things, the criteria described in article 9, paragraphs 2 and 5 of the Complaints Regulations.

### ***Article 9 Receipt of and decision on substantive handling of a Complaint***

*(...)*

2. *The Committee assesses whether on the basis of the following requirements it can deal with a Complaint:*
  - i. *the Complaint contains a clear description of the alleged research misconduct by one or more Staff Members and is accompanied by the relevant written documents or other means of evidence;*
  - ii. *the Complaint is dated and states the Complainant's name, position, and contact details. This requirement does not apply if Article 3, paragraph 1 applies.*

*(...)*

5. *The Committee may also advise the Executive Board that a Complaint does not qualify for substantive treatment if, on the basis of a marginal substantive assessment of the*

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*Complaint, it already reaches the opinion that the actions of the Respondent cannot lead to the finding of a violation of research integrity because the Complaint:*

- i. is manifestly unfounded;*
- ii. is manifestly of insufficient interest;*
- iii. concerns a purely professional difference of opinion and/or is solely based on an employment dispute;*
- iv. is or has been subject to the judgment of a civil, administrative, or criminal court.*

- 2.4 If the Committee considers a Complaint to be insufficiently complete, the Committee offers the Complainant the opportunity to supplement the Complaint within a period specified by it (article 9 paragraph 3 of the Complaints Regulations).

### **3. Judgment of the Committee**

- 3.1 The Committee has taken into consideration that it can only deal with the actions of an Employee if the Complaint contains a clear description of the alleged violation of research integrity by one or more Employees, is accompanied with the relevant written documents or other evidence, and carries a date and states the Complainant's name, position, and contact details.
- 3.2 The Committee initially regarded the Complaint as incomplete, requested the Complainant to provide further information and completeness, and granted him a period in which to do so.
- 3.3 The Committee notes that even after the granting of an opportunity to supplement the Complaint, it does not have sufficient information to be able to proceed with the substantive handling of the Complaint. Neither the Complaint nor the further information received provides a clear description of the alleged violation of research integrity by the Respondent, relevant written documents or other evidence, or a statement of a position. This entails that the Committee considers the Complaint incomplete, as a consequence of which the Complaint is inadmissible.

### **4. Advice**

- 4.1 In view of the above, the Committee advises to the Executive Board of Tilburg University that the Complainant's Complaint against the Respondent is inadmissible due to its incompleteness and thus does not qualify for substantive handling.

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Tilburg, December 17, 2020

RESEARCH INTEGRITY COMMITTEE

On behalf of the Research Integrity Committee,

Prof. Emer. A.M. Hol  
Chairperson