

## Tilburg University Scientific Integrity Regulations

### Preamble

At Tilburg University, everyone involved in teaching and research bears his/her own responsibility to maintain scientific integrity. The general principles of professional scientific practice actions must therefore be observed at all times.

The Netherlands Code of Conduct for Scientific Practice (VSNU 2005, amended in 2012) contains an elaboration of these principles, which Tilburg University also endorses and which apply as guidelines for the university as referred to in Article 1.7 of the Higher Education and Research Act (*WHW*).

One of the means to test academic integrity is the right to complain if (there is a suspicion that) staff members of the university are violating scientific integrity.

To give effect to this right of complaint, the Executive Board has adopted the following Regulations.

### Article 1 Definitions

Violation of scientific integrity: Acts or omissions in conflict with the Netherlands Code of Conduct for Scientific Practice, including in any case the acts included in Appendix 1.

Complaint: A report of (a suspicion of) violation of scientific integrity committed by a staff member

Complainant: The person who contacts the committee with a complaint, whether or not by way of the Executive Board or the confidential advisor.

Alleged perpetrator: The staff member regarding whose conduct a complaint has been filed

Staff member: a person who under the Collective Labor Agreement of the Netherlands Universities (*CAO-NU*) is (was) employed by the university or works (worked) in another way under the university's responsibility

Confidential advisor: The person designated by the Executive Board as a confidential advisor for scientific integrity

Committee: the committee formed by the Executive Board to handle complaints about the violation of scientific integrity.

## **Article 2      General**

- Everyone has a right to file a complaint with the Committee, whether or not by way of the Executive Board or the confidential advisor.
  
- If the complaint relates to a member of the Executive Board, the complaint can be filed with the Committee, whether or not by way of the Board of Governors or the confidential advisor. In that case, the Committee will issue advice to the Board of Governors and exercise the powers pursuant to Article 5.
  
- Everyone must cooperate fully with the confidential advisor and the Committee within the reasonable period set as the latter may reasonably require in exercising their powers.
  
- Everyone who is involved in handling a complaint has a duty not to disclose what he/she has come to know during the complaint procedure.

## **Article 3      Confidential advisor**

### **a.      Appointment**

1. The Executive Board will appoint one or more confidential advisors for a period of four years. Reappointment is possible for a consecutive period of four years each time.
2. Requirements for appointment are:
  - being a professor (emeritus) with long-time experience in research and teaching, preferably gained at one or more Dutch universities;
  - having an impeccable scientific reputation;
  - ability to deal with disappointments and conflicts.
3. The Executive Board may terminate the appointment in the interim
  - at the confidential advisor's own request;
  - owing to no longer meeting the requirements for appointment;
  - owing to dysfunctioning as a confidential advisor.
4. Members of the Board of Governors, members of the Executive Board and the Deans of faculties are not eligible for appointment as a confidential advisor.

### **b.      Task**

The confidential advisor

1. acts as a contact point for questions and complaints about scientific integrity
2. if he/she sees possibilities to do so, attempts to mediate to see whether the complaint can be solved amicably in a different way
3. shows the complainant the way to file a complaint with the Committee.

**c. Accountability**

The confidential advisor renders subsequent account to the Executive Board in an annual report for the purposes of the annual report of the university.

The confidential advisor must maintain the secrecy of what he/she comes to know in that capacity.

**Article 4 Scientific Integrity Committee**

**a. Appointment and composition**

- The Executive Board will form a Scientific Integrity Committee.
- The committee will be formed by the chairperson and at least two members.
- The Executive Board will appoint the chairperson and members.
- Paragraph 3 will apply mutatis mutandis, on the understanding that a confidential advisor will not be eligible for appointment as chairperson or member of the committee.
- The appointment will pursue a balanced representation of the academic areas of the university. One of the members will preferably be a legal expert.
- The committee may be expanded temporarily to investigate a complaint by experts, employed by the university or not.
- The committee will officially assisted by a legal expert.

**b. Task**

The Scientific Integrity Committee investigates complaints and gives the Executive Board advice on them.

**c. Powers**

- The committee is authorized to obtain information from all employees and bodies of the university. It may require access to all documentation and correspondence it considers important in assessing the complaint.
- The committee may consult with experts, employed by the university or not. A report must be made of the consultation.

**d. Working procedure**

1. Insofar as the committee's working procedure is not set out in further regulations, it will be determined by the chairperson.
2. Members of the committee who are involved in any way with the persons or facts to which the complaint relates will not be eligible to handle a complaint.
3. The committee will assess the admissibility of the complaint, among other things on the basis of the following criteria:
  - a. clear description of the (suspected) violation of scientific integrity by one or more specific staff members of Tilburg University
  - b. the written documents or other evidence relating to the complaint
  - c. statement of name, position and contact details of the complainant
  - d. At the request of the Executive Board, the committee may investigate a complaint without knowing the identity of the complainant.

4. The committee will be entitled not to handle a complaint if it is of the opinion that the violation took place too long ago or if the complaint was investigated before or if it is of the opinion that the complaint is manifestly unfounded or has been declared to be manifestly of too little importance.
5. The committee may give the complainant the opportunity to supplement the complaint during a period to be set by the committee.
6. The committee must judge the admissibility of the complaint within three weeks after receiving the complaint. If it concludes that the complaint is not admissible, it will give its advice to the Executive Board immediately.
7. If the committee considers the complaint admissible, it will proceed with a substantive hearing.
  - The committee will hear the persons involved in the complaint whom it considers eligible. A report will be made of the hearing.
  - The complainant and alleged perpetrator may be assisted during the hearing.
  - The persons involved will be heard in each other's presence unless there are serious reasons to hear them separately. In that case, each of them will be informed of the proceedings during the hearing without his/her presence.
  - The committee may examine witnesses and experts.
8. The committee will give advice to the Executive Board within twelve weeks after receiving the complaint on whether the complaint is well-founded or not.
9. The hearings of the committee are not open to the public.

**e. Accountability**

The committee will render subsequent account to the Executive Board in an annual report for the purposes of the annual report of the university.

The members of the committee and any experts consulted must maintain the secrecy of what they have come to know in that capacity.

**Article 5 Follow-up procedure**

1. The Executive Board will make its initial judgment within four weeks after receiving the advice. It will notify the complainant and the alleged perpetrator(s) of this in writing without delay. The committee's advice will be enclosed with the initial judgment.
2. Within six weeks after receiving the notification from the Executive Board, the complainant and alleged perpetrator(s) can request the National Board for Scientific Integrity (LOWI) to give advice on the initial judgment of the Executive Board, insofar as this relates to the violation of scientific integrity. If asked, the committee will send copies of all documents relating to the complaint to the LOWI without delay.
3. If the LOWI is not asked to give advice within the period referred to under 2, the Executive Board will finalize its judgment on the complaint.
4. If the advice of the LOWI is requested, the Executive Board will include the opinion of the LOWI in its final decision.

**Article 6 Protection of persons involved**

Filing a complaint pursuant to these regulations may not, directly or indirectly, lead to any adverse consequences for the complainant, unless the complainant has not acted in good faith. The same holds for witnesses, experts, the confidential advisors and committee members.

**Article 7 Unforeseen cases**

The Executive Board will decide in cases for which these regulations do not provide.

**Article 8 Final provisions**

These regulations will enter into effect on October 2, 2012 and replaces all previous complaints procedures relating to scientific integrity.

The regulations will be published on the website of Tilburg University.

After the procedure is concluded, the committee's advice and judgment of the Executive Board regarding the complaints substantively investigated by the committee since January 1, 2005 will be published in anonymized form on the VSNU.

## Appendix to the Model Scientific Integrity Complaints Procedure

### Violations of scientific integrity

In the scientific community, there is wide agreement on how scientific practitioners should conduct themselves and what acts should be rejected as violations of scientific integrity. In the Netherlands, such agreement can be found in the memorandum 'Scientific Integrity' of the Royal Netherlands Academy of Arts and Sciences (KNAW) from 2001 and the VSNU Code of Conduct for Scientific Practice from 2004. Of the many international texts, the ALLEA European Code of Conduct for Research Integrity from 2011 is authoritative.

Mistakes are made everywhere and misconduct exists in many sizes and shapes. Science can function only if all requirements of carefulness, reliability, honesty, impartiality, responsibility and respect are met. Scientific misconduct damages the truth, other scientists and society. The primary responsibility in combating misconduct and punishing it if necessary is borne by the employer of the researcher, the university or the research institute.

Regarding the acts listed below, the universities declare that they categorically reject it, actively combat it and, if necessary, will punish it with all sanctions at their disposal.

Violations of scientific integrity mean in any case:

1. faking: entering fictitious data  
Fabricating or making up data that are presented as actually obtained research findings. This touches the heart of science - finding the truth.
2. falsification: falsification of data and/or surreptitiously rejecting research results obtained  
Data unacceptable to the researcher may never be adjusted to expectations or theoretical results. Data may be left out only on demonstrably good grounds.
3. plagiarizing (parts of) publications and results of others  
Science functions only with the honest recognition of the intellectual property of each person's own contribution to knowledge. This holds for the whole range from students' projects and theses to scientific publications and dissertations. This concerns not only literal copying, but also paraphrasing, leaving out notes or listing of sources, surreptitious use of data collected by and designs or tables made by others. Copyright offers the victims the possibility of recourse by way of the courts, but even if there is no (more) direct victim, a researcher can be charged with plagiarism.
4. intentionally ignoring or not acknowledging contributions by other authors is a form of misconduct that is related to the commission of plagiarism. Intentional and gross violations that cannot be resolved within the scientific community itself require an independent judgment by the Scientific Integrity Committee.
5. wrongfully passing oneself off as (co-)author  
A researcher may only call him/herself or have him/herself called co-author of a

publication if he/she has made a demonstrable contribution to it in the form of ideas and expertise, research conducted or formation of a theory. A researcher who associates his/her name with a publication must be informed as thoroughly as possible of the correctness and integrity of the contents.

6. knowingly and willingly using (statistical) methods incorrectly and/or knowingly and willingly misinterpreting results

The (statistical) interpretation of research data and empirical results is part of the scientific discourse, and that also concerns the question whether or not the interpretation is wrong. It can be considered misconduct only in case of persistent misrepresentation of the facts and presentation of groundless conclusions, if the scientific committee has formed an uncontested opinion on it. If necessary, an SIC can form such an opinion with external peers.

7. committing reprehensible inaccuracies in conducting research

There is misconduct only if the researcher goes beyond mistakes and sloppiness and does not adjust his/her conduct after serious and well-founded criticism. An SIC can have an investigation conducted of whether this is the case.

8. allowing and concealing misconduct by colleagues

A researcher or manager has a duty of care with respect to science as a whole and particularly with respect to the researchers in his/her immediate surroundings. One should recognize that authority relationships in science, for example between a major professor and a doctoral candidate, will not always make it easy to bring charges against colleagues.