

Academic integrity regulations Leiden University

Preamble

At Leiden University, all employees who do or are involved in academic research are themselves responsible for making sure that this research occurs in accordance with general accepted norms for academic affairs. The general principles of professional academic affairs need to be complied with at all times.

The "Academic Integrity Notice: About Norms for Academic Research and a National Committee for Scientific Integrity" ["Notitie Wetenschappelijke Integriteit, Over normen van wetenschappelijk onderzoek en een Landelijk Orgaan voor Wetenschappelijke Integriteit"] by the Royal Netherlands Academy of Arts and Sciences (KNAW), the Netherlands Organisation for Scientific Research (NWO) and the Association of Universities in the Netherlands (VSNU) in November 2001 also provides a meaningful elaboration of these principles for Leiden University. This Notice is endorsed by Leiden University.

One of the means of testing academic integrity is the right to complain about suspected violations of this integrity. The University Board has established the Regulations below for the actualisation of this right to complain. Furthermore, a regulation is included for the execution of an investigation requested by the University Board regarding suspected violations of academic integrity.

General

Article 1: Definitions

1. In these Regulations, the terms below have the following definitions:
 - a. University: Leiden University;
 - b. faculties: the faculties of the University, as named in Article 9, first subparagraph, of the Administration and Management Regulations (Bestuurs- en beheersreglement) of the University;
 - c. complainant: the person as referred to in Article 6, first subparagraph;
 - d. accused: the person as referred to in Article 6, second subparagraph;
 - e. Academic Integrity Commission: the Commission as referred to in Article 2;
 - f. Notice: the "Academic Integrity Notice: About Norms for Academic Research and a National Committee for Scientific Integrity" ("Notitie Wetenschappelijke Integriteit, Over normen van wetenschappelijk onderzoek en een Landelijk Orgaan voor Wetenschappelijke Integriteit") by the Royal Netherlands Academy of Arts and Sciences (KNAW), the Netherlands Organisation for Scientific Research (NWO) and the Association of Universities in the Netherlands (VSNU) in November 2001. This Notice is also a part of these Regulations in the appendix.
2. In these Regulations, a violation of academic integrity is understood to be: a violation of academic integrity as described in paragraph 3 of the Notice and the faculty supplements to this that have been given.

Article 2: Academic Integrity Commission

There is an Academic Integrity Commission. This Commission is authorised to handle complaints about suspected violations of academic integrity. The rules for the complaint procedure are described in Articles 3 through 16 of these Regulations. Furthermore, the Academic Integrity Commission conducts investigations regarding suspected violations of academic integrity upon the request of the University Board. Articles 17 and 18 of these Regulations are thereby applicable.

Complaint procedure

Article 3: Composition of the Academic Integrity Commission

1. The Academic Integrity Commission consists of a member-chairperson and two members.
2. The members come from the humanities, sciences and other disciplines. Both sexes must be represented in the Academic Integrity Commission.
3. Each member has a substitute. In the absence of a member or in the event that a member is directly or indirectly involved in a complaint to be judged, the substitute member shall take his or her place.
4. The (substitute) members are appointed by the University Board for a term of three years. Reappointment for a successive term of another three years is possible.
5. For appointment, the following are required:
 - o experience in academic research, preferably done at one or more Dutch universities;
 - o familiarity with the administrative organisation of the University;
 - o demonstration of academic merit, meticulousness and discretion;
 - o ability to handle differences and conflicts well.
6. The members of the University Board, the members of the Supervisory Board (Raad van Toezicht), the deans of the faculties and the directors of educational and research institutions of the University are not eligible for appointment.
7. Dismissal or resignation during a term is possible:
 - o upon the member's own request;
 - o due to dysfunction as a (substitute) member of the Academic Integrity Commission.
8. The Academic Integrity Commission is assisted by a secretary who must possess a satisfactory amount of legal knowledge.

Article 4: Tasks of the Academic Integrity Commission

1. The Academic Integrity Commission gains knowledge of complaints as referred to in Article 6.
2. The Academic Integrity Commission gives recommendations to the University Board regarding the admissibility of complaints.
3. The Academic Integrity Commission gives recommendations to the University Board regarding if there are grounds for the complaints that it has accepted for handling and on the basis of this, the (disciplinary) measures that should be taken.
4. The Academic Integrity Commission is unbiased in its formation of its judgements.
5. The Academic Integrity Commission provides the University Board with a yearly report of its activities.
6. The (substitute) members of the Academic Integrity Commission, the secretary and the deans must keep confidential that which they learn in the course of the complaint procedure.

Article 5: Authority of the Academic Integrity Commission

1. The Academic Integrity Commission is authorised to obtain information from all employees and committees of the University. It can require inspection of all documentation and correspondence that it considers to be relevant to the judgement of the complaint.
2. The Academic Integrity Commission can consult experts, even if they are not associated with the University. A report shall be made of the consultation.

3. The Academic Integrity Commission establishes a file for each complaint it treats. From the files, no information that was given confidentially shall be released without the permission of the parties involved.

Article 6: Complaint Right

1. Every person has the right to submit a complaint regarding a suspected violation of academic integrity to the Academic Integrity Commission.
2. The complaint, as referred to in the first subparagraph, must be concerned with a suspected violation of academic integrity by an employee of the University or in the process of conducting academic research at the University.

Article 7: Admissibility Requirements

1. The Academic Integrity Commission accepts complaints for handling that fulfil the following requirements:
 - a. the complaint is submitted in writing;
 - b. the written complaint is signed and contains at least:
 - the name and address of the submitter
 - the date;
 - a clear description of the suspected violation of academic integrity.
2. If the written complaint is set in a foreign language and a translation is necessary for a satisfactory handling of the complaint, the submitter must provide a translation.

Article 8: Accepting a Complaint for Handling

1. The Academic Integrity Commission confirms in writing the reception of the written complaint and informs the University Board, the accused and the Dean of the faculty where the accused is employed of the submitted complaint.
2. If the complaint does not fulfil one of the admissibility requirements referred to in Article 7, the complaint shall be declared non-admissible by the University Board after receiving the recommendation of the Academic Integrity Commission, provided that the complainant was given the opportunity to correct the omission within the time limit that was set for him.
3. After receiving the recommendation of the Academic Integrity Commission, the University Board can decide that the complaint shall not be accepted for handling if:
 - a. it refers to a conduct about which a complaint has already been submitted earlier and which has already been handled;
 - b. it refers to a conduct that took place longer than five years before the submission of the complaint;
 - c. in the event that the weight of the violation is evidently insufficient.
4. The Academic Integrity Commission notifies the complainant as quickly as possible yet at most within four weeks after receiving the complaint if the complaint shall be accepted for handling. The accused and the Dean of the faculty where the accused is employed shall likewise be informed of this.
5. In the event that the complaint involves a member of the University Board, the Supervisory Board shall take the decisions referred to in the second and third subparagraph instead of the University Board.
6. In the event that the complaint is accepted by the Academic Integrity Commission for handling, a copy of the written complaint as well as of any enclosures shall be sent to the accused.
7. The complaint shall be handled by members of the Academic Integrity Commission who are not involved in any way with the facts relevant to the complaint.

Article 9: Amicable Settlement

1. After consultation with the parties involved, the Academic Integrity Commission can determine if an amicable settlement of the complaint is possible.
2. In the event that an amicable settlement is reached, the handling of the complaint by the Academic Integrity Commission shall immediately be terminated. The Commission shall inform the complainant, the accused, the University Board and the Dean of the faculty where the accused is employed of this in writing.

Article 10: Withdrawal of the Complaint

1. The complaint may be withdrawn at all times.
2. In the event that the complaint is withdrawn, the handling of the complaint by the Academic Integrity Commission shall immediately be terminated. The Commission shall inform the accused, the University Board and the Dean of the faculty where the accused is employed of this in writing.

Article 11: Agreement

As soon as the accused has reached an agreement with the complainant regarding his or her complaint that is satisfactory to the complainant, the handling of the complaint by the Academic Integrity Commission shall immediately be terminated. The Commission shall inform the complainant, the accused, the University Board and the Dean of the faculty where the accused is employed of this in writing.

Article 12: Hearing Obligation

1. The Academic Integrity Commission hears the parties involved in the complaint. In each case, the Academic Integrity Commission shall provide the complainant and the accused with this opportunity.
2. The hearing can be abandoned if the complaint is evidently ungrounded or if the complainant has declared that he or she does not wish to make use of the right to be heard.
3. The hearing occurs individually and in person. In special cases, the Academic Integrity Commission can decide that the complainant and the accused shall be heard in each other's presence.
4. The hearing does not take place in public.
5. A report shall be made of the hearing.

Article 13: Reporting to the University Board

1. The Academic Integrity Commission shall send its considerations regarding the complaint it has accepted for handling in a report to the University Board within twelve weeks of receiving the written complaint.
2. In the report, the Academic Integrity Commission shall provide its opinion as to if the complaint is grounded or not and it shall give recommendations regarding (disciplinary) measures that should be taken.
3. The complainant, the accused and the Dean of the faculty where the accused is employed shall receive a copy of the report of the Academic Integrity Commission.
4. The University Board shall provide the accused with the opportunity to react to the report of the Academic Integrity Commission within four weeks.
5. The University Board can decide to hear the parties involved due to the reaction of the accused.

Article 14: Decision of the University Board

1. Within four weeks of receiving the reaction of the accused or after the period of time mentioned in Article 13 subparagraph 4 of these Regulations has passed unused, the University Board shall make its judgement of the complaint and determine the (disciplinary) measures required. It shall inform the complainant, the accused and the Dean of the faculty where the accused is employed of this in writing.
2. In the event that the judgement of the University Board deviates from the recommendation of the Academic Integrity Commission, the reason for this deviation shall be stated in the judgement.
3. In the event that the complaint involves a member of the University Board, the Supervisory Board shall take the decision referred to in subparagraph 1 instead of the University Board.
4. Before making the judgement referred to in the first subparagraph, the University Board may ask the National Committee for Scientific Integrity [Landelijk Orgaan voor Wetenschappelijke Integriteit] (LOWI) for advice within the time period referred to in the first subparagraph.
5. In the event that LOWI has been asked for advice, the time period for a decision referred to in the first subparagraph shall be extended to four weeks after receiving the advice of LOWI.

Article 15: Request for Judgement by LOWI

1. A complainant or accused who cannot be reconciled with the judgement of the University Board may ask LOWI for a judgement. In this case, the National Committee for Scientific Integrity Regulations [Reglement Landelijk Orgaan Wetenschappelijke Integriteit] is applicable.
2. No judgement by LOWI may be requested concerning the determination of (disciplinary) measures and the execution thereof.
3. The University Board decides within four weeks of receiving the advice of LOWI if it shall handle the complaint anew or if its judgement of the complaint and the (disciplinary) measures to be taken regarding this complaint shall be made definitive. It shall inform the complainant, the accused and the Dean of the faculty where the accused is employed of this in writing.

Article 16: Faculty Complaint Regulations

Faculty complaint regulations concerning academic integrity are not applicable.

Investigation upon the request of the university board

Article 17

The University Board may ask the Academic Integrity Commission to conduct (further) investigation regarding a suspected violation of academic integrity.

Article 18

In the event that the Academic Integrity Commission conducts an investigation regarding a suspected violation of academic applicable:

- Article 3;
- Article 4 subparagraphs 3 through 6, inclusive;
- Article 5;

Article 6 subparagraph 2;
Article 8 subparagraphs 6 and 7;
Article 12;
Article 13; and
Article 14 subparagraphs 1 and 2.

Final article

Article 19: Coming into Force

These Regulations enter into force on July, 1st. 2003, except for employees of the University who are also employed at the Leiden University Hospital [Academisch Ziekenhuis Leiden] (AZL). For these employees, the Regulations shall enter into force on a date later to be determined by the University Board.

These Regulations were determined by the University Board in its meeting on 3 April 2003.

Explanation

General

In November 2001, the Royal Netherlands Academy of Arts and Sciences (KNAW), the Netherlands Organisation for Scientific Research (NWO) and the Association of Universities in the Netherlands (VSNU) composed the "Academic Integrity Notice: About Norms for Academic Research and a National Committee for Scientific Integrity" ["Notitie Wetenschappelijke Integriteit, Over normen van wetenschappelijk onderzoek en een Landelijk Orgaan voor Wetenschappelijke Integriteit"]. In this Notice, a number of rules of behaviour were formulated for academic practice within the university and furthermore, a starting point was given for complaint regulations for suspected violations of these rules. For both, the Board of the University is responsible for the effective functioning of academic integrity in education and research. The University Board has decided to establish the Academic Integrity Commission for the execution of this Notice and to establish these Regulations.

The Articles

Article 1 subparagraph 2

The description of the rules of behaviour in the Notice can serve as a first guideline for the testing. In practice, a deeper and sharper definition of these norms may come into existence through judgements in concrete cases. Also, these norms can be filled in further by the faculties.

Article 4 subparagraph 4

The University Board may not give any instructions regarding the handling of the complaint.

Article 4 subparagraph 5

In the report, the number and character of the complaints and the manner in which these were settled should be included. In the report, recommendations can also be made regarding prevention of violations of academic integrity. The annual report shall be made anonymous and then made public.

Article 5 subparagraph 3

The Academic Integrity Commission is authorised, whether or not upon the request of the complainant, to remove sensitive private data as long as the defence principle is not harmed through this. Making a complaint anonymous is only permitted when the defence principle is not damaged by this.

The Law protecting personal data is applicable with regard to the storage of the files.

Article 6

These Regulations do not impede the right of the involved parties to turn to a civil judge at any stage of the procedure.

Article 6 subparagraph 2, Article 7, Article 8 subparagraphs 2 and 3, Article 12, Article 13 subparagraph 1 and Article 14 subparagraph 1

In the event that it is not established in the written complaint that there is a suspected violation of academic integrity by an employee of the university or by someone who is (temporarily) employed at the university and/or if it does not fulfil the conditions in Article 7, the University Board shall declare the complaint not-admissible. Only if the complaint is admissible and the University Board does not find Article 8 subparagraph 3 applicable shall the Academic Integrity Commission judge the content of the complaint. Thereby, it shall be verified if an actual violation of academic integrity took place. In order to verify this, there is in principle a hearing obligation in these cases. However, if it is already found from the written complaint itself that the complaint of the submitter is ungrounded and that there is no reasonable doubt possible about this conclusion, then the hearing obligation is not applicable. This is also true when the complainant has indicated that he or she does not wish to be heard. The Academic Integrity Commission reports to the University Board about if the complaint is grounded and the (disciplinary) measures to be taken. The University Board subsequently makes a judgement about the complaint.

Article 8 subparagraph 1

During the entire course of the procedure, the Dean shall be kept informed of the state of affairs regarding the submitted complaint. The Dean is ultimately responsible for the employees who are employed at the faculty involved.

Article 8 subparagraph 3 subpoint a

A complaint shall not be considered a repeated complaint if new facts and circumstances are brought forth that cast new light on the earlier complaint.

Article 8 subparagraph 6

With reference to this, see also the explanation of Article 5 subparagraph 3.

Articles 9, 10 and 11

At each stage of the complaint procedure, the procedure can be stopped if a solution is found with which the complainant is satisfied. Then a quick and informal settling of the complaint is possible. The judgement of the complainant is decisive but the Academic Integrity Commission or the University Board may take the initiative. The satisfaction of the complainant can be made known in an informal manner and is not bound to any form requirements. In cases of doubt, it is recommended to ask the complainant for a written confirmation of his or her satisfaction.

No judgement may be asked of the LOWI regarding the decision of the Academic Integrity Commission to stop its handling of the complaint.

In the event that the complaint is withdrawn, the complaint procedure is terminated. This does not impede, however, the possibility that the Academic Integrity Commission may conduct investigation itself upon the request of the University Board. In that case, Articles 17 and 18 of these Regulations are applicable and Articles 3 through 16, inclusive, are no longer applicable.

Article 12 subparagraph 2

The complainant can orally (also by telephone) and/or in writing indicate that he or she gives up the right to be heard. If the complainant is also further satisfied, the procedure can be stopped with the application of Article 11. In cases of doubt regarding the wishes of the complainant, he or she must always be heard.

Article 12 subparagraph 5

There is no explicit obligation to send the report to the parties involved. However, the involved parties may ask to peruse the report. With reference to this, also see the explanation of Article 5 subparagraph 3.

In the report, the main features of the items discussed in the hearing must be recorded.

Article 14 subparagraph 1

The University Board must determine if the complaint is grounded or not grounded.

When a violation of academic integrity has been found, different (disciplinary) measures may be enforced. The enforcement of these measures is subject to the civil servant and labour laws that are applicable to the employer-employee relationship between the University on the one hand and its employees on the other. Measures to be enforced must therefore fit within these laws.

When the violation was made in the course of academic research at the University by someone who is not employed there, the University cannot enforce disciplinary measures. Other measures are possible.

Article 15 subparagraph 3

LOWI tests if a complaint has been settled in the correct manner. In the event that the judgement is that the procedure that was followed does not withstand this formal test, a renewed handling shall be advised.

In the event that LOWI judges that the case was indeed handled correctly in a formal sense but that there are nevertheless material grounds to subject the case to renewed consideration, it shall conduct an investigation itself. In that case, LOWI shall give a recommendation with explanations to the University Board.

In both cases, after the University Board with consideration of LOWI's recommendation has again made a judgement regarding the complaint, a judgement by LOWI cannot be requested again.

Article 16

Faculty complaint regulations regarding academic integrity cannot be applicable any longer. In place of these, these University Regulations are valid. The ethical points of departure that have already been formulated in these Regulations regarding the conducting of academic research can further supplement Article 1 subparagraph 2. When these points of departure have not been determined, the University Board shall advocate the establishment of such points of departure per faculty, dependent upon each faculty's own character.

Article 17

The University Board can use these powers at all times. In order to give the University Board this opportunity when the complaint procedure is terminated as referred to in Articles 9, 10 and 11, the University Board must be notified of this termination.

Article 18

In the event that the University Board asks the Academic Integrity Commission to conduct an investigation of a suspected violation of academic integrity, the main features of the same procedure for the complaint procedure shall be followed. The Commission has then the same powers and the hearing obligation is also valid. In the Articles that are declared to be accordingly applicable, the word "complaint" should be replaced with "suspected violation of academic integrity" and the words "written complaint" should be replaced with "request of the University Board". The requirements with reference to the complainant shall not be applicable in this case. Furthermore, the University Board shall not make a judgement regarding if the complaint is

grounded or not grounded but shall indicate if a violation of academic integrity has occurred or not. The University Board may also enforce (disciplinary) measures in this case.