



Leiden University Regulation on Complaints regarding Academic Integrity

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Preamble

At Leiden University all employees who carry out or are involved in teaching and research are personally responsible for maintaining academic integrity. This means that the general principles of professional academic conduct must be complied with at all times.

The Netherlands Code of Conduct for Scientific Practice (Association of Universities in the Netherlands (VSNU) 2005, amended in 2012) provides an elaboration of these principles that are endorsed by Leiden University and that serve as a guideline for the University as referred to in Article 1.7 of the Higher Education and Research Act (WHW).

One of the means of testing academic integrity is the right to complain in case of suspected violations of academic integrity by university staff members.

The Executive Board has adopted the following regulations in order to implement this right to complain.

Article 1 Definitions

Violation of academic integrity: actions or omissions that conflict with the Netherlands Code of Conduct for Scientific Practice, which includes at the very least the practices mentioned in Appendix 1.

Complaint: A report of a suspected violation of academic integrity committed by a staff member.

Complainant: The person addressing the complaint to the Committee, possibly via the Executive Board or the confidential adviser.

Defendant: The staff member regarding whose conduct a complaint has been submitted.

Staff member: Any person who in accordance with the CAO of Dutch Universities is currently (or was in the past) employed by Leiden University, or whose work otherwise falls (or fell) under the responsibility of Leiden University, for instance as an external PhD candidate or professor by special appointment.

Confidential adviser: The person appointed as confidential adviser for academic integrity by the Executive Board.

Committee: The committee established by the Executive Board to examine complaints regarding violations of academic integrity.



Article 2 General

1. Every person has the right to submit a complaint to the Committee, either via the Executive Board or the confidential adviser.
2. If the complaint concerns a member of the Executive Board, the complaint may be submitted to the Committee, either via the Supervisory Board or the confidential adviser. In this case, the Committee will advise the Supervisory Board, that will exercise its authority as referred to in Article 4, sub-section (a), (c) and (e) and in Article 5.
3. All persons are obliged, with a reasonable period of time stipulated, to provide every assistance to the confidential adviser or the Committee that they can reasonably ask in exercising their authority.
4. All persons involved in handling a complaint are bound to confidentiality with respect to those matters that come to their attention in the course of the complaint procedure.

Article 3 Confidential adviser

a. Appointment

1. The Executive Board will appoint one or more confidential advisers for a period of four years (in consultation with the Deans). Reappointment for a subsequent term of four years is possible.
2. The criteria for appointment are as follows:
 - a. the candidate must be a professor (or emeritus professor) with broad experience in research and teaching, preferably at one or more Dutch universities;
 - b. the candidate must have an impeccable academic reputation;
 - c. the candidate must be able to deal with discrepancies and conflicts;
 - d. the members of the Supervisory Board, the members of the Executive Board and the Deans of the faculties are not eligible for appointment.
3. The Executive Board may terminate an appointment prematurely:
 - a. at the request of the confidential adviser;
 - b. if the adviser no longer meets the criteria for appointment;
 - c. if the confidential adviser fails to perform satisfactorily. (This will be decided in consultation with the Deans.)

b. Duties

The confidential adviser:

- a. acts as a low-threshold point of contact for questions and complaints regarding academic integrity;
- b. attempts to mediate or to otherwise reach an amicable settlement of the complaint, wherever he sees the opportunity to do so;
- c. informs the complainant of the procedure for submitting a complaint to the Committee.

c. Accountability

The confidential adviser:

- a. reports on his activities to the Executive Board retrospectively in an annual report to be used for the annual report of the University;
- b. is bound to confidentiality regarding matters that come to his attention in the performance of his duties.



Article 4 Academic Integrity Committee

a. The complaint: content and procedure

1. The complaint must be submitted in writing and must include at least the following:
 - a. the name, position and contact details of the complainant;
 - b. the name and position of the staff member(s) whom the complaint concerns;
 - c. a clear description of the suspected violation of academic integrity by one or more staff members;
 - d. written or other evidence bearing on the suspected violation of academic integrity;
 - e. the date and the signature of the complainant.
2. At the request of the Executive Board, the Committee may investigate a complaint without knowing the identity of the complainant.

b. The Committee: appointment and composition

1. The Executive Board will establish an Academic Integrity Committee.
2. The Committee will consist of the chairperson and at least two other members.
3. Each member will have a substitute.
4. The chairperson and his substitute and the other members and substitute members will be appointed by the Executive Board.
5. The provisions under (3.a) apply equally, with the proviso that a confidential adviser is not eligible for appointment as chairperson or member of the Committee.
6. In appointing the members, the aim is to achieve a balanced representation of the University's fields of research. One member should preferably be a legal expert.
7. The Committee can, for the purposes of investigating a particular complaint, be temporarily extended to include experts, who may or may not be affiliated with the University.
8. The Committee will be assisted by a secretary with legal expertise.

c. Tasks

The Academic Integrity Committee will investigate complaints and make recommendations regarding such complaints to the Executive Board.

d. Authority

1. The Committee is authorised to obtain information from all staff members and bodies of the University. It can request inspection of all documentation and correspondence that it considers important in assessing the complaint.
2. The Committee may consult experts who may or may not be affiliated with Leiden University. A report will be made of these consultations.

e. Procedure

1. The Academic Integrity Committee will confirm receipt of the letter of complaint and inform the Executive Board, the accused and the Dean of the faculty to which the accused is or was affiliated of the complaint.
2. If the complaint fails to meet one of the requirements listed in Article 4.a, the complainant will be given the opportunity to correct the omission within a set time limit.
3. A complaint will be reviewed by the chairperson of the Committee and two other members, if necessary with the addition of one or more experts.
4. Members of the Committee who are in any way related to any of the persons or facts on which the complaint bears are not eligible to review the complaint.



5. After receiving the recommendation of the Academic Integrity Committee, the Executive Board may decide not to accept the complaint for review if:
 - a. the omission referred to under (2) has not been rectified within the set time limit;
 - b. the complaint relates to conduct about which a complaint has already been submitted and which has already been reviewed by the Board;
 - c. the complaint relates to conduct that took place more than ten years before the submission of the complaint;
 - d. the complaint does not relate to a violation of academic integrity;
 - e. the suspected violation of academic integrity was not committed by a member of staff.
6. The Committee will decide within three weeks whether the complaint is admissible. If the Committee concludes that the complaint is inadmissible, the Committee will immediately advise the Executive Board accordingly.
7. If the Committee decides that the complaint is admissible, the Committee will proceed to review the contents of the complaint.
 - a. The Committee will hear all the parties involved in the complaint. A report will be made of this hearing;
 - b. Both the complainant and the accused can choose to be represented at the hearing;
 - c. The parties involved will be heard in each other's presence, unless there are compelling reasons to hear them separately. In the latter case, each of them will be informed of the proceedings that took place in their absence.
 - d. The Committee may choose to hear witnesses and experts;
 - e. The hearing will not be public.
8. Within twelve weeks of receiving the complaint, the Committee will advise the Executive Board regarding the legitimacy of the complaint. If the complaint is legitimate, the advice should also include a proposal of disciplinary and other measures to be taken.

f. Accountability

1. The Committee will report on its activities to the Executive Board by means of an annual report to be used for the University's annual report.
2. The members of the Committee and the experts consulted are bound by confidentiality regarding any matter that comes to their attention in the course of their duties.

Article 5 Subsequent procedure

The Executive Board will make its initial judgment within four weeks after receiving the advice of the Committee. The Board will immediately inform the complainant and the defendant of its judgment in writing. The advice of the Committee will be included with the initial judgment.

1. Within six weeks of receiving this information from the Executive Board, both complainant and defendant can ask the National Committee for Scientific Integrity (Landelijk Orgaan voor Wetenschappelijke Integriteit (LOWI)) for a recommendation regarding the initial judgment of the Executive Board. Upon request, the Committee will immediately forward a copy of all evidence relating to the complaint to the LOWI.
2. If advice from the LOWI has not been requested within the time limit referred to in the second paragraph of this article, the Executive Board will formulate its final judgment regarding the complaint.
3. If advice from the LOWI has been requested, the Executive Board will reconsider its judgment in the light of this advice.

Article 6 Protection of parties involved

The submission of a complaint in accordance with these regulations may not cause any disadvantage, directly or indirectly, for the complainant, unless the complainant did not act in good faith. The same applies to all witnesses, experts, confidential advisers and members of the Committee.

Article 7 Final provisions

This regulation enters into force on 6 November 2012 and replaces all previous complaint regulations regarding academic integrity.

These regulations are published on the website of Leiden University.

The advice of the Committee and the judgment of the Executive Board regarding complaints handled by the Committee are published *de facto* in anonymous form on the website of Leiden University and VSNU.

Entry into force

These regulations enter into force starting from the day following the day they are ratified by the Executive Board. These regulations enter into force with effect from 7 November 2012.

Ratification

Ratified by the Executive Board on 6 November 2012.

APPENDIX 1 Violations of academic integrity

Appendix to the Academic Integrity Complaint Regulations of Leiden University

Violations of academic integrity

There is general agreement within the academic community regarding how academic researchers should behave and the type of conduct that should be rejected as a violation of academic integrity. In the Netherlands, this agreement is expressed in the 2001 memorandum of the Royal Netherlands Academy of Arts and Sciences (KNAW) on Scientific Integrity and the 2004 VSNU Code of Conduct for Scientific Practice. Of the many international texts available, the ALLEA European Code of Conduct for Research Integrity dating from 2011 is authoritative in this matter.

Mistakes can be made everywhere and misconduct comes in many shapes and sizes. The academic world can only function properly if all the requirements of accuracy, reliability, honesty, impartiality, responsibility and respect are met. Academic misconduct damages truth, other researchers and society itself.

Primary responsibility for combatting misconduct and if necessary punishing the responsible parties rests with the employer of the perpetrator, i.e. the University or the research institute.

With respect to the types of conduct listed below, the universities hereby declare that they categorically reject and actively combat such conduct and if necessary that they will use all the sanctions at their disposal to punish perpetrators. Violations of academic integrity include in any case the following:

1. **Invention:** including fictitious data
Fabricating or inventing data which are then presented as actual findings of research activities. This touches on the very heart of scientific inquiry – the search for truth.



2. Falsification: falsifying data and/or clandestine removal of research results obtained. Data that are unwelcome for the researcher may never be adjusted to expectations or theoretical conclusions. Data may only be omitted if there are well-founded reasons for doing so.
3. Plagiarism of publications, or parts of publications, and results by third parties
Academia can only work on the basis of an honest recognition of the intellectual property of every individual's own contribution to knowledge. This holds for the whole range of academic work, from student essays and theses to academic publications and dissertations. Plagiarism is not limited to literal copying; it also includes paraphrasing, failing to include notes or references, the covert use of data, designs or tables gathered or created by other parties. Copyright laws offer victims of plagiarism the opportunity to seek redress in a court of law, but even if there is no (longer a) direct victim, the researcher can still be sued for plagiarism.
4. Intentionally ignoring and failing to recognise contributions by other authors is a form of misconduct that is related to plagiarism. Deliberate and gross violations that cannot be resolved within the academic community itself have to be judged independently by the Academic Integrity Committee.
5. Unjustly claiming authorship or co-authorship
A researcher may only claim to be a co-author in a publication if he has made an identifiable contribution in the form of ideas and expertise, or by carrying out research or formulating a theory. A researcher who attaches his name to a publication must be convinced of the correctness and integrity of the contents.
6. Intentionally misusing (statistical) methods and/or intentionally misinterpreting results
The (statistical) interpretation of research data and empirical results is part of the academic discourse, as is the issue of the correctness of this interpretation.
This can only be considered to be misconduct if the researcher perseveres in wrongly representing the situation and in presenting unauthorised conclusions, and if the academic community has reached a unanimous decision regarding this matter. If required, the Academic Integrity Committee can reach such a decision in consultation with external peers.
7. Imputable negligence in carrying out research
This only qualifies as misconduct if the researcher is guilty of more than the occasional error or carelessness and if he fails to correct his approach after severe and reasoned criticism. The Academic Integrity Committee can investigate whether this is the case.
8. Condoning and concealing misconduct by colleagues
A researcher or administrator has a duty of care towards academia as a whole and more particularly towards the researchers in his immediate environment.
It should be recognised that supervisory relations in academia, such as, for instance, between PhD candidates and their supervisors, do not make it easy to denounce colleagues.