

# **Maastricht University Regulations on Academic Integrity**

## **Preamble**

The Dutch Code of Conduct for Research Integrity (2018) sets out the guiding principles of sound and ethical academic inquiry and the ensuing standards for good research practices. These are endorsed by Maastricht University and serve as guidelines for the University as referred to in Article 1.7 of the WHW.

Within Maastricht University, everyone involved in research bears personal responsibility for maintaining academic integrity and must make every effort to uphold the standards.

In the event of a suspected case of research misconduct by an employee of Maastricht University, a complaint can be submitted to the Academic Integrity Committee (in Dutch: de Commissie Wetenschappelijke Integriteit (CWI)). The complaint can also first be discussed confidentially with one of the confidential advisers for academic integrity. To ensure that a scrupulous and fair procedure is in place to deal with any such complaint, including any ensuing judgement, the Executive Board has established the following regulations.

These Regulations are, as far as possible, applied by analogy if the Executive Board initiates an investigation into possible research misconduct in the absence of a formal complaint.

These Regulations are based on the *Landelijk Model Klachtenregeling Wetenschappelijke Integriteit* as drawn up by the VSNU and are an elaboration of section 5.4 of the abovementioned Code of Conduct.

## **Article 1 Definitions**

### *1.0 Code of Conduct*

The Netherlands Code of Conduct for Research Integrity 2018

### *1.1 Research misconduct*

Acts or omissions in violation of research integrity in the sense of section 5.2 under A 1, 2 or 3 of the Code of Conduct

### *1.2 Complaint*

A written notification of a suspected case of research misconduct committed by an employee or former employee of Maastricht University

### *1.3 Complainant*

The individual filing a written complaint with the Committee, whether or not through the Board or the confidential adviser for academic integrity

### *1.4 Respondent*

The employee whose conduct is the subject of a complaint or is being investigated by the Committee at the request of the Board

### *1.5 Employee*

An individual who has or had an employment contract at Maastricht University or works or worked in some other sense under the responsibility of the University; this includes individuals who are not affiliated or who are only affiliated part time with the University insofar as they participate in the University's research or publish their research under the name or responsibility of the University. PhD candidates and endowed professors also fall under this definition. Individuals who play only a supporting role in the research are excluded.

### *1.6 Confidential adviser*

An individual appointed by the Board as a confidential adviser for academic integrity

### *1.7 Committee*

The Committee appointed by the Board to handle complaints concerning research misconduct

### *1.8 Board*

The Executive Board of Maastricht University

### *1.9 Supervisory Board*

The Supervisory Board of Maastricht University

### *1.10 University*

Maastricht University

### *1.11 LOWI*

The Netherlands Board on Research Integrity

## **Article 2      General**

- 2.1** Anyone may consult with the confidential adviser in the event of a suspected case of research misconduct.
- 2.2** Anyone may file a complaint with the Committee, which immediately notifies the Board of its receipt of the complaint. Complaints must be made in writing and must concern a suspected case of research misconduct by a current or former employee of Maastricht University. The complaint must adequately substantiate why the complainant believes that research misconduct has been committed.
- 2.3** The Board can also ask the Committee to investigate an alleged case of research misconduct without a complaint being filed or if an anonymous complaint has been filed.
- 2.4** Anonymous complaints are considered only if the Board sees good reason to do so because it believes that:
  - a. compelling public or institutional interests or the interests of the parties involved so require, and
  - b. the factual basis for the complaint can be investigated without input from the complainant.
- 2.5** If the complaint concerns a member of the Board, the Supervisory Board exercises the role and powers assigned in these Regulations to the Board.

- 2.6** If the complaint concerns someone who is or was an employee of several institutions that subscribe to the Code of Conduct and the complaint could therefore be investigated by several institutions, the complaint can be handled jointly by the institutions involved or alternative arrangements can be made. In this case, the Board shall decide on how the complaint is to be handled.
- 2.7** All parties are obliged, before a reasonable, specified deadline, to cooperate with the investigation to the extent that the confidential adviser or the Committee can reasonably request in exercising their powers.
- 2.8** All parties involved in handling a complaint have a duty of confidentiality regarding the content of the complaint and the information that comes to light in connection with the complaint or procedure. This duty of confidentiality continues to apply after the case is concluded, with the exception of the anonymised description of cases in annual reports or on the VSNU website.
- 2.9** Any breach of confidentiality may lead the Committee to discontinue its handling of the complaint and to advise the Board not to pursue the matter. The Committee or the Board may impose appropriate consequences in the case of a breach of confidentiality. The Committee may consider such a breach of confidentiality so serious that it is itself deemed a violation of integrity.

### **Article 3 Confidential adviser**

#### **3.1 Appointment**

- a. The Board appoints one or more confidential advisers for a term of four years after consulting the Board of Deans. Reappointment is possible for a subsequent term of four years.
- b. The confidential adviser has an academic background, an unblemished academic reputation and the capacity to handle differences and conflicts. The confidential adviser may not hold an additional position that could impede his/her functioning as confidential adviser.
- c. The Board may terminate the appointment before the end of the four-year term:
  - at the request of the confidential adviser
  - if the confidential adviser no longer meets the conditions for appointment
  - if the performance of the confidential adviser is dysfunctional.
- d. Members of the Academic Integrity Committee, the Supervisory Board, the Executive Board, deans, (vice) deans, faculty board members and staff charged with managing research/education institutes and graduate schools are ineligible for appointment as confidential adviser.
- e. The Board provides support to the confidential adviser.

#### **3.2 Duties**

The confidential adviser

- serves as an accessible point of contact for both complainant and respondent on questions and complaints relating to academic integrity
- attempts wherever possible to mediate in the complaint or otherwise to facilitate an amicable resolution
- guides the complainant in submitting a complaint to the Committee
- may not simultaneously assist both the complainant and the respondent

- only acts on behalf of the complainant or the respondent with their consent.

### **3.3 Accountability**

The confidential adviser accounts for his/her activities to the Board in an annual report, which in turn provides input for the University's annual report. The report describes in general terms the cases handled and activities carried out. The details in the report may not be traced back to specific individuals. Furthermore, the confidential adviser is bound by a duty of confidentiality concerning any information acquired in the performance of his/her duties. This may be waived only with the express consent of both the complainant and the respondent.

## **Article 4 Academic Integrity Committee**

### **4.1 Appointment and composition**

- a. The Board installs the Committee. The Committee is composed of a chair and at least two other members. The preference is for at least one member to be a lawyer and for the members to be diverse in terms of gender.
- b. A replacement chair is appointed if the chair is in any way involved with the persons or facts to which the complaint relates or otherwise has an interest in the handling or outcome of the complaint.
- c. The chair and members are appointed by the Board for a term of four years. Reappointment is possible for a subsequent term of four years.
- d. Each Committee member has an academic background, an unblemished academic reputation and the capacity to handle differences and conflicts. They may not hold an additional position that could impede their functioning as Committee members.
- e. The Board may terminate the appointment before the end of the four-year term:
  - at the request of the Committee member
  - if the Committee member no longer meets the conditions for appointment
  - if the performance of the Committee member is dysfunctional.
- f. The provisions of 3.1 under *d* apply *mutatis mutandis*, on the understanding that a confidential adviser is ineligible for appointment as chair or member of the Committee.
- g. Members shall be appointed with a view to equal representation of the University's academic disciplines.
- h. When investigating a particular complaint, the Committee can be temporarily enlarged by experts or ad-hoc members who may or may not be affiliated with the University. During the complaint procedure, these ad-hoc members have the same duties, powers and responsibilities as ordinary Committee members.
- i. The Board provides support to the Committee in the form of a secretary.

### **4.2 Duties**

The Committee investigates complaints, assesses allegations of research misconduct and issues written recommendations to the Board. At the request of the Board, it can also investigate cases of suspected research misconduct and issue recommendations in the absence of a formal complaint. If the complaint concerns a member of the Board, the Committee shall address its recommendation to the Supervisory Board. In that case, the Supervisory Board exercises the powers set out in Article 5.

#### **4.3. Powers**

- a. The Committee is authorised to obtain information from all employees and bodies of the University. It may request access to or copies of any documentation and correspondence it deems relevant to the investigation, and may seize or have such documentation/correspondence sealed if it sees fit to do so.
- b. The documentation referred to in the previous paragraph also includes research data from the study that is the subject of the complaint. If deemed necessary by the Committee, elements of the research and data that are not publicly available shall be disclosed to two independent persons designated by the Committee. These individuals inspect the data in strict confidence and share their findings with the Committee only. The relevant findings shall be incorporated into the Committee's recommendation in such a way as not to compromise the confidentiality of the research or the data.
- b. The Committee may consult experts or other third parties affiliated with the University or otherwise. A report shall be drawn up of these consultations. Parties are informed of the identity of these experts or third parties unless the Committee is of the opinion that there are compelling reasons to keep their identity secret.

#### **4.4 Working method**

- a. Insofar as the working method of the Committee has not been laid down in these or further regulations, it shall be determined by the chair after consultation with the members.
- b. Unless Article 2.6 applies, complaints shall be handled by the chair of the Committee and at least two other members, potentially supplemented by one or more experts or ad-hoc members. These experts or ad-hoc members are appointed by the Board at the request of the Committee.
- c. Committee members who are in any way involved with the persons or facts to which the complaint relates or who otherwise have an interest in the case are excluded from the handling of the complaint.

#### **4.5 Start of procedure**

- a. After receiving the written complaint, the Committee shall confirm receipt within two weeks, subject to a duty of confidentiality. The Committee also informs the Board and the relevant dean of the submission of the complaint.
- b. The Committee assesses whether it can process the complaint on the basis of the following requirements, as included in the complaint form published on the University website. Specifically, the complaint must:
  - i. be dated and signed
  - ii. state the name, position and contact details of the complainant
  - iii. state the name and position of the respondent to whom the complaint refers
  - iv. contain a clear description of the alleged research misconduct by one or more University employees
  - v. be accompanied by documentary evidence or other forms of evidence.
- c. If one of the requirements of Article 4.5 under *b* has not been met, the complainant is given one week in which to rectify this omission. In this case, the term referred to in Article 4.5 under *e* is extended either by one week or by the term within which the omission was rectified.
- d. If the written complaint is in a foreign language and a translation is necessary for the complaint to be processed, the complainant is responsible for arranging a translation.
- e. If the Committee is of the opinion that the complaint should be considered inadmissible, it shall advise the Board of this within four weeks. The Board then decides as soon as possible whether it agrees with this recommendation, and notifies the complainant,

respondent and dean of its decision. If the decision is made not to proceed with substantive handling of the complaint, this is an initial judgement as referred to in Article 5.1. If the decision is made to proceed with substantive handling, the Committee shall begin its investigation.

- f. The Committee is authorised to advise the Board not to proceed with the substantive handling of a complaint if:
  - i. the omission referred to in Article 4.5 under c is not rectified within the stipulated period
  - ii. the alleged research misconduct was not committed by a university employee
  - iii. the Committee itself or a similar body has previously investigated the complaint and no new, relevant facts have come to light
  - iv. the complainant has waited an unreasonably long time to submit the complaint or the complaint relates to conduct that took place more than 10 years before the complaint was filed
  - v. the complainant has violated the duty of confidentiality referred to in Article 2.8
  - vi. the complaint concerns a purely academic/professional difference of opinion
  - vii. the complaint is attributable primarily to a labour dispute
  - viii. the complaint cannot result in a judgement that the respondent's actions constitute research misconduct
  - ix. the complaint was filed for the sole purpose of harming another person or for a purpose other than that for which these Regulations are intended
  - x. the complaint appears to be insignificant
  - xi. the complaint falls outside the scope of the Code of Conduct.
- g. If the Committee or Board decides to proceed with substantive handling of the complaint, the Committee begins its investigation. The respondent is presumed innocent until, in the opinion of the Committee, proven otherwise.

#### **4.6 Substantive handling of the complaint**

- a. If the Committee decides to proceed with substantive handling of the complaint, the complainant, respondent and relevant dean shall be notified of this. The Committee also examines whether interested parties other than the complainant and the respondent should be involved in the procedure.
- b. The Committee sends the complaint to the respondent, subject to a duty of confidentiality, along with an invitation to submit a statement of defence within three weeks.
- c. The Committee may, upon request, grant one extension of the period referred to in the preceding paragraph of a maximum of two weeks.
- d. The Committee sends a copy of the statement of defence to the complainant and gives the complainant one week from the date of sending to submit a response. The Committee then gives the respondent one week to submit a final written response to the complainant's response. After receiving all responses, the Committee assesses whether it has sufficient information to handle the case and whether a hearing is necessary.
- e. If deemed necessary by the Committee, the parties are invited to a hearing during which the complainant and the respondent are given the opportunity to be heard. The Committee may also decide to hear other interested parties. The hearing takes place in the presence of the parties, unless the Committee believes there are compelling reasons to hear the complainant, respondent and other interested parties separately. In that case, each will be informed of what has been put forth during the hearing in his/her absence.
- f. The Committee may make audio recordings of the hearing. These are intended solely to aid in the preparation of the report. After the Board has issued its final judgement, the

recordings will be deleted. No party other than the Committee may make audio recordings during a hearing.

- g. A written report is made of the hearing, recording in a factual manner what has been said. The report is sent to those parties who were heard. They are given the opportunity to inform the Committee before a specified deadline of any factual errors they believe to be contained in the report. The Committee then considers whether and, if so, how the report should be revised, after which it approves the report.
- h. During the hearing, the complainant and the respondent can be assisted, but not represented.
- i. The Committee may hear witnesses and experts or ask experts to provide a written expert report.
- j. All relevant information collected by the Committee shall in the interests of fair treatment be disclosed to all concerned, unless the Committee believes there is reason to depart from this rule. The reasons for withholding certain information are included in the recommendation.
- k. The hearings and other Committee sessions are not public.
- l. Within 10 weeks of receipt of the complaint, the Committee issues a recommendation to the Board. In doing so, it uses the weighting criteria in Article 5.2 under C of the Code of Conduct. The Committee may extend the 10 week period by 4 weeks. The complainant and the respondent shall be notified of any extension. Further extension is possible insofar as the complainant and the respondent agree to this in writing.

#### **4.7 Withdrawal of the complaint**

During the investigation, the complainant may withdraw the complaint at any time by sending a written statement to the Committee. The Committee shall immediately notify the Board, the relevant dean and the respondent.

#### **4.8 Accountability**

The Committee accounts for his/her activities to the Board in an annual report, which in turn provides input for the University's annual report. The report describes in general terms the cases handled and activities carried out and may make general recommendations. The details in the report may not be traced back to specific individuals. Furthermore, the chair, members and secretary of the Committee and any other witnesses heard or experts consulted are bound by a duty of confidentiality concerning any information acquired in the performance of their duties. This may be waived only with the express consent of both the complainant and the respondent.

### **Article 5 Follow-up procedure**

- 5.1** The Board shall reach its initial judgement as soon as possible, but in any event within four weeks of receiving the Committee's recommendation. It immediately notifies the complainant, the respondent and any other interested parties thereof in writing. This initial judgement is accompanied by the Committee's recommendation. If the Board's initial judgement deviates from the Committee's recommendation, the reason for this departure shall be stated in the initial judgement.
- 5.2** The complainant, the respondent and any other interested parties may request a second opinion from the Netherlands Board on Research Integrity (LOWI) within six weeks of the date of the initial judgement. Upon request, the Board shall send copies of all documents relating to the complaint to the LOWI.

- 5.3** If a second opinion from the LOWI is not requested within the period referred to in 5.2, the Board shall issue its final judgement on the complaint.
- 5.4** If a second opinion from the LOWI has been requested, the Board takes that into consideration in its final judgement. The Board shall immediately notify the complainant and the respondent(s) in writing of the final judgement. If the Board's judgement deviates from the opinion of the LOWI, the reason for this departure shall be stated in the judgement.
- 5.5** The Board's judgement, together with the Committee's recommendation, shall be published in anonymised form on the VSNU website after conclusion of the procedure.

## **Article 6 Protection of parties involved**

The Board ensures that the rights of both the complainant and the respondent are protected, and that neither is unduly disadvantaged in their career prospects or otherwise. The same applies to any other interested parties, witnesses, experts and the confidential adviser, as well as the secretary and members of the Committee.

## **Article 7 Unforeseen cases**

In cases not covered by these Regulations, the Board shall decide. If the complaint concerns a member of the Board, the Supervisory Board shall decide.

## **Article 8 Final provisions**

These Regulations will come into effect on 8 March 2022, superseding all previous complaint procedures in the area of research integrity for complaints filed on or after this date.

These Regulations can be referred to as the 'UM Complaint Procedure for Academic Integrity' and shall be published on the Maastricht University website.

This text is a translation of the Dutch original. In case of any divergence of interpretation, the Dutch text shall prevail.