



Complaints Procedure for Research Integrity – NWO Institutes



Preamble

It is essential that scientific research is carried out in accordance with the guiding principles of research integrity: honesty, diligence, transparency, independence and responsibility. Research that does not follow these principles may cause direct harm (for example, to the environment or patients) and may undermine public confidence in science and trust between researchers. NWO therefore considers it its duty to monitor both the quality of scientific research funded by NWO and the quality of scientific research carried out by the NWO Institutes.

Since NWO endorsed the updated Netherlands Code of Conduct for Research Integrity 2018 and adopted a fair and scrupulous procedure for handling suspected complaints related to scientific integrity and the subsequent decision-making, the said Code of Conduct is applicable to NWO-I. Anyone may submit a complaint of alleged scientific misconduct to the Confidential Counsellor for scientific integrity. If no solution is reached, the complaint is referred to the *Research Integrity Committee*, which investigates the complaint and issues an opinion. Based on the opinion of the *Research Integrity Committee*, the *NWO-I Board* adopts an initial judgement. The *Complainant* and/or *Respondent* may submit this initial judgement to the Netherlands Board on Research Integrity (LOWI).

The Complaints Procedure for Research Integrity – NWO institutes applies to complaints of alleged “Research Misconduct” (as defined herein) by an NWO-I employee.

I. GENERAL

Article 1 Definitions

1. The following definitions apply for the purposes of this Procedure:

- a) *Board*: Board of the Netherlands Foundation of Scientific Research Institutes (NWO-I).
- b) *Complainant*: the person who addresses a *Complaint* to the *NWO-I Research Integrity Desk*, whether or not via the *Board* or the *Confidential Counsellor*.
- c) *Complaint*: a written report (which term includes emails) concerning a (suspected) instance of *Research Misconduct* on the part of an *Employee*.
- d) *Complaints Procedure*: the present *Complaints Procedure for Research Integrity*.
- e) *Confidential Counsellor*: a person appointed by the *Board* as a confidential counsellor for research integrity.



- f) *Director NWO-I*: the director Netherlands Scientific Research Institutes.
- g) *Employee*: a person who has or has had an employment contract with *NWO-I* or one of its Institutes under the WVOI collective labour agreement, or who is or has been otherwise employed under the responsibility of *NWO-I* or one of its Institutes.
- h) *Institute*: as defined in the Statutes of *NWO-I*.
- i) *Institute Director*: as defined in the Statutes of *NWO-I*.
- j) *LOWI*: Netherlands Board on Research Integrity.
- k) *Netherlands Code of Conduct for Research Integrity*: the Netherlands Code of Conduct for Research Integrity as endorsed by *NWO*, which took effect on 1 October 2018.
- l) *NWO*: Dutch Research Council.
- m) *NWO-I*: Netherlands Foundation of Scientific Research Institutes.
- n) *NWO Supervisory Board*: the supervisory board of the Dutch Research Council.
- o) *Research Integrity Committee*: a committee set up by the *Board* to assess the content of the complaint and to inform and advise the *Board* concerning its findings. The *Board* may set up an ad hoc or a permanent committee.
- p) *Research Integrity Desk*: digital mailbox for submitting a *Complaint*; has an *Research Integrity Desk Secretariat*.
- q) *Research Integrity Desk Secretariat*: the Legal Affairs department of *NWO-I* that acts as the Secretariat of the *Research Integrity Desk*.
- r) *Research Misconduct*: the infringing of nationally and internationally accepted standards of research conduct, as set out in the applicable *Netherlands Code of Conduct for Research Integrity*.
- s) *Respondent*: an Employee whose conduct is the subject of a complaint or an investigation carried out by the Research Integrity Committee at the Board's request.



Where the terms "he", "him" or "his" are used in this Complaints Procedure for Research Integrity, they may also be read as "she" or "her".

Article 2 General

1. Anyone may consult the *Confidential Counsellor* if they have a question or a *Complaint* concerning the conduct of scientific research.
2. Anyone may submit a *Complaint*. For the procedure, please see Sections II and III of this *NWO-I Complaints Procedure for Research Integrity*.
3. All parties involved in the *Complaint* must provide the *Confidential Counsellor* or the *Research Integrity Committee* with all cooperation that the latter may reasonably request in the exercise of their powers. If such cooperation is not forthcoming, the *Board* may draw the conclusions it deems appropriate.
4. All persons involved in handling a *Complaint* must maintain confidentiality regarding everything that comes to their knowledge in connection with the *Complaint*. This duty of confidentiality continues after the end of the Procedure, except in the case of anonymised reporting, e.g. in annual reports. If the duty of confidentiality is breached, the *Board* may impose appropriate measures.

II. CONFIDENTIAL COUNSELLOR

Article 3 Appointment of a *Confidential Counsellor*

1. The *Board* appoints a *Confidential Counsellor* (or multiple *Confidential Counsellors*) for a term of five years. A one-off reappointment for a consecutive term not exceeding five years is possible. Members of the *NWO Supervisory Board*, members of the *Research Integrity Committee* and persons who hold administrative positions at *NWO-I* or *NWO* are excluded from appointment;
2. At least one Confidential Counsellor is no Employee of *NWO-I* or *NWO*.
3. A *Confidential Counsellor* should at least have the following qualifications:
 - a) has experience of conflict management;
 - b) has an impeccable scientific reputation;
 - c) carries out no other activities that could interfere with the independency role of confidential counsellor.
4. The *Board* may terminate the appointment of a *Confidential Counsellor* prematurely:
 - a) at the *Confidential Counsellor's* own request;
 - b) if the *Confidential Counsellor* no longer meets the requirements for appointment set out in paragraph 2;
 - c) due to improper performance as a confidential counsellor.
5. The activities of the *Confidential Counsellor* are governed by the *NWO Code for Dealing with Personal Interests*.
6. Mediation by the Confidential Counsellor is only possible upon approval of Complainant and Respondent.



Article 4 Duties of Confidential Counsellor

The Confidential Counsellor:

- 1) Acts as a point of contact for questions and complaints concerning the conduct of scientific research, including the publication of research results.
- 2) Attempts – if there are opportunities for doing so – to resolve complaints amicably by mediation between the parties or by other means.
- 3) Refers the *Complainant* to the *Research Integrity Committee* via the *Research Integrity Desk* and the *Research Integrity Complaints Procedure* by asking the *Research Integrity Committee* to investigate the complaint if a solution under 2) is not possible.
- 4) Reports on the activities to the *Board* by means of a retrospective annual report worded in general terms without identifying any individuals.
- 5) May not assist both the *Respondent* and the *Complainant*.
- 6) Must maintain confidentiality regarding everything that becomes known to them in their capacity.

III. COMPLAINTS PROCEDURE

Article 5 Research Integrity Committee; appointment and composition

1. The *Board* sets up a *Research Integrity Committee* to assess the content of a *Complaint*. This may be an ad hoc or a permanent committee.
2. The NWO-I *Research Integrity Committee* consists of a chairperson and at least two other members. At least one of the members is a lawyer.
The members of the NWO-I *Research Integrity Committee* are appointed by the *Board*, in the case of a permanent committee, for a term of five years. The *Board* may determine whether the *Research Integrity Committee* can be temporarily expanded to include experts or ad hoc members who may or may not be associated with the organisation.
3. Members of the NWO Supervisory Board, the *Confidential Counsellor* and the relevant *Institute Director* are not eligible for appointment to the NWO-I *Research Integrity Committee*.
4. A member of the NWO-I *Research Integrity Committee* should at least have the following qualifications:
 - a) deals well with conflicts and differences of opinion;
 - b) has an impeccable scientific reputation;
 - c) is not an employee of NWO-I and holds no managerial position at NWO-I or otherwise that could hinder the proper functioning.
5. The *Board* may terminate the appointment prematurely:
 - a) at the own request of the chairperson or member of the *Research Integrity Committee*;
 - b) if the chairperson or member of the *Research Integrity Committee* no longer meets the requirements for appointment set out in paragraph 3;



- c) due to improper performance as a chairperson or member of the *Research Integrity Committee*.
- 6. A Confidential Counsellor of the Research Integrity Desk is not eligible for appointment as a chairperson or member of the Research Integrity Committee.
- 7. The activities of the Research Integrity Committee are governed by the NWO Code for Dealing with Personal Interests.

Article 6 Research Integrity Committee; duties

The duties of the *Research Integrity Committee* are to investigate the *Complaint* or request (based on Article 11) and to advise the *Board* accordingly.

Article 7 Research Integrity Committee; powers

The *Research Integrity Committee* has the power to:

- 1) Obtain information from *NWO-I* employees and bodies.
- 2) Demand access to all documentation and correspondence that it deems relevant to its investigations, and to seize or order the seizure of such documentation and correspondence if it deems necessary.
The term “documentation” includes the research data to which the *Complaint* relates. If the *Research Integrity Committee* deems it necessary, non-publicly available parts of the scientific research and related data will be made available for inspection to persons specifically designated by the *Research Integrity Committee*. These persons carry out the inspection under a strict duty of confidentiality and share their findings only with the *Research Integrity Committee*. The relevant findings will be presented in the opinion of the *Research Integrity Committee* in such a way that the confidentiality of the research or the research data is not infringed.
- 3) Consult experts or other third parties who may or may not be associated with the organisation.

Article 8 Research Integrity Committee; working methods

The working methods of the *Research Integrity Committee* are determined by the chairperson, provided no further regulations on working methods have been laid down.

Article 9 Research Integrity Desk Secretariat

1. The Legal Affairs department of *NWO-I* acts as the Secretariat of the *Research Integrity Desk*.
2. The *Research Integrity Desk Secretariat*:
 - a) advises the *Board* on whether the *Complaint* can be handled by *NWO-I*, and reports on this to the *Board*;
 - b) supports the *Confidential Counsellor* in the performance of its duties;
 - c) supports the *NWO-I Research Integrity Committee*
 - d) in the performance of its duties.

Article 10 Submitting a Complaint

1. Anyone may submit a *Complaint* to the *Research Integrity Desk*.



2. The *Complaint* should be in Dutch or English, and should include at least:
 - a) the name and address of the *Complainant*;
 - b) the date;
 - c) the signature of the *Complainant*;
 - d) a description of the alleged *Research Misconduct*;
 - e) the name or description of the person(s) against whom the *Complaint* is addressed, indicating the relationship between the *Respondent* and the *Complainant*;
 - f) a clear description of the alleged *Research Misconduct*.
3. The *Complainant* should submit the *Complaint* together with any supporting evidence in the *Complainant's* possession.
4. If the *Complaint* is a repeat of a complaint previously handled by *NWO-I*, the *Board* may dismiss the *Complaint* with reference to its previous decision, unless the *Complainant* demonstrates newly emerged facts or changed circumstances.

Article 11

The *Board* may also ask the *Research Integrity Committee* to investigate alleged *Research Misconduct* without a *Complaint* having been submitted.

Article 12

The *Research Integrity Committee* will consider an anonymous complaint only if the *Research Integrity Committee* sees good reason to do so on the basis of:

- 1) compelling public interests or compelling interests of the organisation or the respondent, and
- 2) the factual basis for the *Complaint* can be investigated without input from the *Complainant*.

Article 13

If the *Complaint* concerns a member of the *Board*, the *NWO* Supervisory Board will assume the role and powers assigned to the *Board* under this Procedure.

Article 14

If a *Complaint* concerns an *Employee* who has been employed by one or more other institutions that have endorsed the *Netherlands Code of Conduct for Research Integrity* and the *Complaint* can therefore be investigated at multiple institutions, the *Complaint* may be handled jointly, or the institutions may make other arrangements for its handling. In this case, the handling of the *Complaint* will be decided by the *Board*.

Article 15 Receipt of the *Complaint*

1. The *Research Integrity Desk Secretariat* confirms receipt of the *Complaint* in writing within one week.



2. The *NWO-I Research Integrity Desk Secretariat* informs the *Respondent*, the *Complainant* and the relevant *Institute Director* of the receipt of the *Complaint* and the further procedure within three weeks.
3. The *Board* may decide not to consider a *Complaint* if:
 - a) the *Complaint* does not meet the requirements set out in Article 10, second paragraph, of this Procedure, provided the *Complainant* has been given the opportunity to rectify the omission within a reasonable time limit;
 - b) the *Complaint* may be subjected to the judgement of a research integrity committee of another institution;
 - c) the *Complaint* has already or has previously been subjected to the judgement of a research integrity committee of another institution or judicial authority;
 - d) too long a period has elapsed since the alleged *Research Misconduct*, or the *Complainant* has waited an unreasonably long period before submitting a *Complaint*;
4. If the *Board* considers the *Complaint* admissible, the *Board* sets up a temporary or permanent *NWO-I Research Integrity Committee* in accordance with Article 5, if this has not already been done, and asks the *NWO-I Research Integrity Committee* to assess the content of the *Complaint*.

Article 16 Handling by the Research Integrity Committee

1. If the *Research Integrity Committee* considers the *Complaint* to be manifestly unfounded on first evidence, the *Research Integrity Committee* may rule that the *Complaint* is manifestly unfounded because:
 - a) the *Complaint* concerns a purely professional difference of opinion;
 - b) the *Complaint* is attributable solely to a labour dispute;
 - c) the *Complaint* is manifestly unfounded;
 - d) the *Complaint* is manifestly trivial.

In this case, the *Research Integrity Committee* will immediately issue an opinion to the *Board* within four weeks if they are of the opinion that the substance of the *Complaint* cannot be dealt with. The *Board* takes the decision subsequently and sends its decision to the *Complainant* and the *Respondent* as soon as possible. The decision of not dealing with substance of the *Complaint* is a decision with the meaning of article 17 section 1.

2. If the substance of the *Complaint* is handled by the *Research Integrity Committee*, the following procedure applies:
 - a) The *Research Integrity Committee* informs the *Complainant*, the *Respondent* and the relevant *Institute Director* of the *Complaint*.
 - b) The *Research Integrity Committee* gives the *Respondent* the opportunity to submit a written defence and sets a reasonable time limit for doing so.
 - c) The *Research Integrity Committee* hears the parties it considers to be involved in the *Complaint*, including the *Complainant* and the *Respondent*.
 - d) The parties may be assisted at the hearing by an authorised representative or a lawyer.
 - e) Hearings are not conducted in public.



- f) The *Research Integrity Committee* may hear witnesses and experts or ask experts to submit a written report.
 - g) Hearings are minuted or recorded.
 - h) The *Complainant* and the *Respondent* are heard in each other's presence unless there are compelling reasons for not doing so. In such a case, any parties not present at the hearing will be informed of the matters discussed in their absence.
3. In accordance with Article 7, the *Research Integrity Committee* may request access to all documentation and correspondence that it deems relevant to the assessment of the *Complaint*.
 4. Within ten weeks after assessing the content of the *Complaint*, the *Research Integrity Committee* issues a written opinion to the *Board* on whether or not the *Complaint* is well-founded. The *Research Integrity Committee* may extend this term once by no more than four weeks.
 5. The opinion of the *Research Integrity Committee* should include at least:
 - a) a description of the procedure followed;
 - b) a description of the positions of the parties involved, and the views of any witnesses and/or experts who have been consulted;
 - c) whether the *Research Integrity Committee* considers the *Complaint* to be founded or unfounded and, if it considers it to be founded, which of the qualifications referred to in Section 5.2 of the Netherlands *Code of Conduct for Research Integrity* should in its opinion be attributed to the *Complaint*;
 - d) the grounds of the opinion of the *Research Integrity Committee*.
 6. The opinion of the *Research Integrity Committee* is submitted to the *Confidential Counsellor* for information.
 7. The *Research Integrity Committee* reports on its activities to the *Board* by means of a retrospective annual report for the purpose of the annual report of NWO-I. In the report contains report on the cases handled and the activities carried out in general terms without information relating to identifiable persons.

Article 17 Decision-making and follow-up procedure

1. The *Board* adopts its initial judgement on the *Complaint* in its next meeting after receiving the opinion of the *Research Integrity Committee*.
2. The *Board* immediately issues a written notification of the initial judgement to the parties involved in the *Complaint*, including the *Complainant* and the *Respondent*, together with the opinion of the *Research Integrity Committee*. If the *Board* deviates in its initial judgement from the opinion of the *Research Integrity Committee*, the reason for the deviation will be stated in the initial judgement.
3. The *Complainant* and the *Respondent* may ask the *LOWI* to issue an opinion on the *Board's* initial judgement within six weeks after the date of the initial judgement. The current *LOWI* regulations apply to the procedure.
4. If the *Complainant* has not asked the *LOWI* for an opinion within the term referred to in the third paragraph, the initial judgement will be converted into a final judgement. The parties involved will be notified of this in writing.



5. If the *Complainant* has asked the *LOWI* for an opinion, the *Board* will adopt its final judgement after receiving that opinion. If the *Board* deviates in its final judgement from the opinion of the *LOWI*, the reason for the deviation will be stated in the judgement.
6. The *Board* immediately notifies the final judgement in writing to the parties involved in the *Complaint*, including the *Complainant*, the *Respondent* and, if applicable, the institution involved.
7. The final judgement of the *Board* will be published upon finalisation of the procedure in the annual report of *NWO-I*, including the report of findings and the opinion of the *Research Integrity Committee*.

Article 18 Protection of parties involved

1. Submission of a *Complaint* under this Procedure cannot lead to any direct or indirect disadvantage for the *Complainant*. The principle of good faith applies.
In particular, a *Complainant* did not act in good faith if a *Complaint* was submitted deliberately in order to harm a person's reputation. The same applies to witnesses, experts, the *Confidential Counsellor* or members of the *Research Integrity Committee*.
2. The members of the *Research Integrity Committee* and the eventual consulted experts keep confidential all information gathered and is known or informed to them in that capacity unless *Complainant* and *Respondent* explicitly have given their approval to otherwise.
3. *NWO-I* will make every effort to ensure that neither the *Complainant* nor the *Respondent* suffers any undue harm to their career prospects or otherwise as a result of the submission of a *Complaint*.

Article 19 Unforeseen cases

The *Board* will decide in all cases not covered by this procedure.

Article 20 Entry into force and publication

1. This procedure enters into force on 8 April 2020 and replaces all previous complaints procedures in relation to research integrity within *NWO-I*.
2. This procedure may be cited as the "*NWO-I Complaints Procedure for Research Integrity*" and will be published on the *NWO-I* website and the website of the individual *NWO-I* institute, if applicable.

Adopted by the NWO-I Board,

Date: December 2020