



UNIVERSITY OF AMSTERDAM
ACADEMIC INTEGRITY COMPLAINTS REGULATIONS

(decision no: 2013cb0471, dated 10 December 2013)

Preamble

All those involved in academic teaching and research at the University of Amsterdam have an individual responsibility for maintaining academic integrity. The general principles of professional academic conduct must therefore be observed at all times.

The Netherlands Code of Conduct for Scientific Practice (Association of Universities in the Netherlands, VSNU 2004, amended in 2012) sets out in further detail these principles, which are also endorsed by the University of Amsterdam and serve as guidelines for the University within the meaning of Section 1.7 of the (Dutch) Higher Education and Research Act (WHW). One way to monitor academic integrity is to exercise the right of complaint when employees of the University have violated or are suspected of having violated academic integrity.

The Executive Board has established the following Regulations to facilitate the exercising of this right.

§ 1 Definitions

Article 1

The following terms used in these Regulations have the following meanings:

accused: the employee about whose conduct a complaint is submitted;

Committee: the Committee appointed by the Executive Board to handle complaints concerning the violation of academic integrity;

complaint: a report of a known or suspected violation of academic integrity committed by an employee;

complainant: the person who takes a complaint to the Committee, whether or not through the Executive Board;

LOWI: (Dutch) National Board for Research Integrity;

employee: a person who has or has had a relationship of employment with the University under the Collective Labour Agreement of Dutch Universities (CAO-NU) or who works or has worked in some other capacity under the responsibility of the University;

violation of academic integrity: actions or omissions in violation of the principles of good academic teaching and research, as set out in the Netherlands Code of Conduct for Scientific Practice and the ALLEA European Code of Conduct for Research Integrity;

University: the University of Amsterdam;

Confidential Adviser for Academic Integrity: the person appointed by the Executive Board as the Confidential Adviser for Academic Integrity.

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Decision no:
2013cb0471

§ 2 Complaints

Article 2

1. Everyone has the right to submit a complaint to the Committee, whether or not through the Executive Board.
2. Title 9.1 of the General Administration Law Act (*Algemene wet bestuursrecht*) applies *mutatis mutandis* in so far as the treatment of the complaint as specified in these Regulations does not differ from it.
3. If the complaint concerns a member of the Executive Board, the complaint can be submitted to the Committee, whether or not through the Supervisory Board. In such a case, the Committee will submit its advice to the Supervisory Board, and the Supervisory Board will exercise the authorities pursuant to Article 11.
4. Everyone is obliged to provide every assistance within the stipulated (reasonable) time period to all reasonable requests made by the Confidential Adviser for Academic Integrity or the Committee or Sub-Committee pursuant to their authorities.
5. Everyone involved in the handling of a complaint has a duty of confidentiality with respect to any information that comes to their attention during the course of the complaints procedure.

§ 3 Confidential Adviser for Academic Integrity

Article 3 Appointment

1. The Executive Board will appoint one or more Confidential Adviser(s) for Academic Integrity for a period of four years (having consulted the deans). Reappointment for contiguous periods of four years is allowed.
2. To be eligible for appointment, candidates must:
 - be a professor or an emeritus professor with extensive experience in teaching and research, preferably gained at one or more Dutch universities;
 - enjoy an unblemished academic reputation;
 - be able to deal with differences and conflicts.
3. The Executive Board can terminate the appointment before the end of the term:
 - at the request of the Confidential Adviser for Academic Integrity;
 - because the conditions for appointment are no longer met;
 - because of inadequate performance of the Confidential Adviser for Academic Integrity (having consulted the deans).
4. Members of the Supervisory Board, members of the Executive Board and the Faculty deans are not eligible to be appointed as Confidential Adviser for Academic Integrity.

Article 4 Duties

The Confidential Adviser for Academic Integrity:

- a. acts as a contact person for queries and complaints relating to academic integrity;
- b. seeks, where he or she sees the opportunity, to mediate in the complaint or otherwise find an amicable solution for it;
- c. advises the complainant on the procedure for submitting a complaint to the Committee.

Decision no:
2013cb0471

Article 5 Accountability

1. The Confidential Adviser for Academic Integrity will provide the Executive Board with an annual account of his or her activities, for the purposes of the University's Annual Report.
2. The Confidential Adviser for Academic Integrity has a duty of confidentiality with respect to any information that comes to his or her attention in the performance of his or her duties.

§ 4 Academic Integrity Committee

Article 6 Appointment and composition

1. The Executive Board appoints an Academic Integrity Committee.
2. The Committee consists of a chairperson and at least two other members. At least one of these members is a lawyer. The Committee is officially assisted by a legal adviser.
3. The chairperson and the members are appointed by the Executive Board for a period of four years (having consulted the deans). Reappointment for contiguous periods of four years is possible.
4. To be eligible for appointment, candidates must:
 - be a professor or an emeritus professor with extensive experience in teaching and research, preferably gained at one or more Dutch universities, and
 - enjoy an unblemished academic reputation.
5. The Executive Board can terminate the appointment before the end of the term:
 - at the personal request of the chairperson or member of the Committee;
 - because the conditions for appointment are no longer met;
 - because of the inadequate performance of the chairperson or member of the Committee (having consulted the deans).
6. Members of the Supervisory Board, members of the Executive Board, the Faculty deans and the Confidential Adviser for Academic Integrity are not eligible to be appointed as chairperson or member of the Committee.

Article 7 Duties

The Committee investigates complaints and subsequently submits its advice to the Executive Board. The Committee can establish a Sub-Committee to investigate the complaint, which will advise it on the validity of the complaint. Having consulted the Confidential Adviser for Academic Integrity, the Committee provides the Executive Board with solicited and unsolicited advice regarding the University's prevention policy with respect to the violation of academic integrity.

Article 8 Authorities

1. The Committee or Sub-Committee is authorised to obtain information from all employees and bodies of the University. It can request access to any documents and correspondence that it deems relevant to the assessment of the complaint.
2. The Committee or Sub-Committee may hear or consult witnesses or experts who may or may not be affiliated with the UvA. A report will be drawn up of any such hearing or consultation.
3. The Committee will submit its final advice to the Executive Board.

Article 9 Procedures

1. Where no provisions for the Committee's working procedures have been made in these or subsequent regulations, they will be determined by the chairperson.
2. Committee or Sub-Committee members who are in any way involved with the individuals or circumstances to which the complaint relates do not take part in handling the complaint.

Decision no:
2013cb0471

3. The Committee will assess the admissibility of a complaint based on, among other things, the following criteria:
 - a. a clear description of the known or suspected violation of academic integrity by one or more specified employees of the University;
 - b. the relevant written documents or other evidence;
 - c. a statement of the complainant's name, title or position and contact details.
4. The Committee is authorised to refuse to handle a complaint if, in its opinion:
 - too much time has passed since the violation occurred;
 - the complainant has waited unreasonably long to submit the complaint;
 - the complaint has been investigated on a previous occasion or has been clearly declared either unfounded or not sufficiently important.
5. If, in its opinion, the complaint lends itself for mediation or for a possible amicable solution, the Committee can refer the complainant and the accused to the Confidential Adviser for Academic Integrity. In that case, the period of time referred to in paragraph 9 will be suspended. The complainant and the accused will be informed in writing of any suspension of the period of time.
6. The Committee can offer the complainant a specified period of time in which to supplement the complaint.
7. The Committee will render judgement on the admissibility of the complaint within three weeks of receiving it. If the complaint is deemed inadmissible, the Committee will immediately notify the Executive Board to this effect.
8. If the Committee deems the complaint to be admissible, it will proceed to deal with the substance of it.
 - The Committee or Sub-Committee will hear the parties it deems relevant to the complaint, among which at least the complainant and the accused. A report of the hearing(s) will be drawn up.
 - The Committee or Sub-Committee will hear the parties concerned in each other's presence, except where there are compelling reasons for hearing them separately. In that case, a report of the proceedings will be issued to the parties concerned who were not present.
 - During the hearing, the parties involved may be assisted.
9. The Committee will issue its advice to the Executive Board regarding the validity of the complaint within twelve weeks after receiving the complaint. This period of time can be extended repeatedly by the Committee for a maximum period of twelve weeks. If the period of time is extended, this will be communicated in writing to both the complainant and the accused.
10. The hearings of the Committee or Sub-Committee are not open to the public.

Article 10 Accountability

1. The Committee will subsequently provide the Executive Board with an annual account of its activities, for the purposes of the University's Annual Report.
2. The members of the Committee or Sub-Committee and any experts who were consulted have a duty of confidentiality with respect to any information that comes to their attention during the performance of their duties.

Article 11 Subsequent procedure

1. The Executive Board will render its initial judgement within four weeks of receiving the Committee's advice. It will immediately notify the complainant and the accused of this in writing. The Committee's advice will be enclosed together with the initial judgement.
2. The complainant and the accused may ask the National Board for Scientific Integrity (LOWI) for its advice on the Executive Board's initial judgement concerning the violation of academic integrity within six weeks of receiving the notice from the Executive Board as referred to in paragraph 1, in so far as this relates to the violation of academic integrity or the procedure

Decision no:
2013cb0471

concerning the violation of academic integrity. Upon request, the Committee will immediately send copies to the LOWI of all documents relating to the complaint.

3. If the LOWI's advice has not been requested by the complainant or the accused within the period of time referred to under paragraph 2, the Executive Board will make its final judgement on the complaint.
4. If the LOWI is asked for advice, the Executive Board will take this advice into consideration in its final judgement.

Article 12 Publication

The advice of the Committee and the final judgement of the Executive Board will be published on the website of the Association of Universities in the Netherlands (VSNU) in anonymised form after the procedure has been completed.

Article 13 Protection of parties involved

The submission of a complaint pursuant to these Regulations may not result in any direct or indirect disadvantage to the complainant, except where the complainant has not acted in good faith. The same also applies to witnesses, experts, Confidential Advisers for Academic Integrity and members of the Committee or Sub-Committee.

§ 5 Other provisions

Article 14 Unforeseen circumstances

The Executive Board will decide on any cases not provided for in these Regulations.

Article 15 Effective date and publication

1. These Regulations will take effect on the day after publication and with retroactive effect from 1 September 2013. They replace the Regulations for the Protection of Academic Integrity at the University of Amsterdam dated 1 October 2012.
2. These Regulations will be published on the website of the University of Amsterdam.

Decision no:
2013cb0471

Appendix to the University of Amsterdam Academic Integrity Complaints Regulations

Violations of academic integrity

There is wide agreement within the academic community as to what constitutes proper conduct by scientific practitioners and which types of conduct should be repudiated as violations of academic integrity. In the Netherlands, this concept of academic integrity is borne out in the Memorandum on Academic Integrity issued by the Royal Netherlands Academy of Arts and Sciences (KNAW) in 2001 and the Netherlands Code of Conduct for Scientific Practice issued by the VSNU in 2004 (amended in 2012). The normative framework is formed by the ALLEA European Code of Conduct for Research Integrity 2011. Academic misconduct and violations of academic integrity are summarised there as follows:

‘Research *misconduct* is harmful for knowledge. It could mislead other researchers, it may threaten individuals or society - for instance if it becomes the basis for unsafe drugs or unwise legislation - and, by subverting the public’s *trust*, it could lead to a disregard for or undesirable restrictions being imposed on research.

Research misconduct can appear in many guises:

- *fabrication* involves making up results and recording them as if they were real;
- *falsification* involves manipulating research processes or changing or omitting data;
- *plagiarism* is the appropriation of other people’s material without giving proper credit;
- other forms of misconduct include *failure to meet clear ethical and legal requirements* such as misrepresentation of interests, breach of confidentiality, lack of informed consent and abuse of research subjects or materials. Misconduct also includes *improper dealing* with infringements, such as attempts to cover up misconduct and reprisals on whistleblowers;
- *minor misdemeanours* may not lead to formal investigations, but are just as damaging given their probable frequency, and should be corrected by teachers and mentors.

The response must be proportionate to the seriousness of the misconduct: as a rule it must be demonstrated that the misconduct was committed intentionally, knowingly or recklessly. Proof must be based on the preponderance of evidence. Research misconduct should not include honest errors or differences of opinion. Misbehaviour such as intimidation of students, misuse of funds and other behaviour that is already subject to universal legal and social penalties is unacceptable as well, but is not “research misconduct” since it does not affect the integrity of the research record itself.’