



UNIVERSITY OF AMSTERDAM
ACADEMIC INTEGRITY COMPLAINTS REGULATIONS

(2012cb0455, 19 November 2012)

The University of Amsterdam considers itself responsible for the conduct of every researcher who performs or has performed academic work within its walls. The University of Amsterdam is therefore open to all complaints relating to the academic integrity of its researchers and investigates all well-founded suspicions of misconduct.

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, as amended 2012) further details 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 of Amsterdam 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.

Article 1 Definitions

Violation of academic integrity: Actions or omissions in violation of the Netherlands Code of Conduct for Scientific Practice, including in any case the conduct specified in Appendix 1.

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 or the Confidential Adviser.

Accused: The employee about whose conduct a complaint is submitted.

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.

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

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

Article 2 General

- Everyone has the right to submit a complaint to the Committee, whether or not through the Executive Board or the Confidential Adviser.
- 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 or the Confidential Adviser. 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 5.
- Everyone is obliged to provide every assistance within the stipulated (reasonable) time period to all reasonable requests made by the Confidential Adviser or the Committee pursuant to their authorities.
- 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.

Article 3 Confidential Adviser

a. Appointment

1. The Executive Board will appoint one or more Confidential Adviser(s) for a period of four years (having consulted the deans). Confidential Advisers may be reappointed for contiguous periods of four years.
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 Confidential Adviser's own request;
 - because the conditions for appointment are no longer met;
 - because of inadequate performance of the Confidential Adviser (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.

b. Duties

The Confidential Adviser:

1. acts as a contact person for queries and complaints relating to academic integrity;
2. seeks, where he or she sees the opportunity, to mediate in the complaint or otherwise find an amicable solution for it;
3. advises the complainant on how to submit a complaint to the Committee.

c. Accountability

The Confidential Adviser will provide the Executive Board with an annual account of his or her activities which will form part of the University's Annual Report.

The Confidential Adviser 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.

Article 4 Academic Integrity Committee

a. Appointment and composition

- The Executive Board appoints an Academic Integrity Committee.
- The Committee consists of a chairman and at least two other members.
- The chairman and the members are appointed by the Executive Board.
- The provisions under (3.a) apply *mutatis mutandis*, on the understanding that a Confidential

Adviser is not eligible to be appointed as the chairman or a member of the Committee.

- The appointments will be made with a view to achieving a balanced representation of the University's academic disciplines. Preferably, one of the members will be a lawyer.
- The Committee may temporarily be enlarged with additional expert members who may or may not be affiliated with the University for the purpose of investigating a complaint.
- The Committee is officially assisted by a legal adviser.

b. Duties

The Academic Integrity Committee investigates complaints and subsequently submits its advice to the Executive Board.

c. Authorities

- The Committee is authorised to obtain information from all employees and bodies at the University. It can request access to any documents and correspondence that it deems relevant to the assessment of the complaint.
- The Committee may consult experts who may or may not be affiliated with the UvA. A report will be drawn up of any such consultation.

d. 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 chairman.
2. Committee members who are in any way involved with the individuals or circumstances to which the complaint relates are not eligible to handle a complaint.
3. The Committee will assess the admissibility of a complaint based on at least 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;
 - d. the Executive Board can ask the Committee to investigate a complaint without knowing the identity of the complainant.
4. The Committee is authorised to refuse to handle a complaint if, in its opinion, too much time has passed since the violation occurred or if the complaint has been investigated on a previous occasion or if it appears to be unfounded or has been declared not sufficiently important.
5. The Committee can offer the complainant a specified period of time in which to supplement the complaint.
6. 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.
7. If the Committee deems the complaint to be admissible, it will proceed to deal with the substance of it.
 - The Committee will hear the parties it deems relevant to the complaint. A report of the hearing will be drawn up.
 - During the hearing, the complainant and the accused can seek advice from third parties.
 - The complainant and the accused are both heard in each other's presence, except where there are compelling reasons for hearing them separately. In that case, each of them will be informed about the proceedings of the hearing held outside their presence.
 - The Committee can hear witnesses and experts.
8. The Committee will issue its advice to the Executive Board regarding the validity of the complaint within twelve weeks after receiving the complaint.
9. Committee hearings are not open to the public.

e. Accountability

The Committee will provide the Executive Board with an annual account of its activities which will form part of the University's Annual Report.

The Committee members 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 5 Subsequent procedure

1. The Executive Board will render its initial judgement within four weeks of receiving the advice of the Committee and will immediately notify the complainant and the accused in writing. The Committee's advice will be enclosed 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 notice from the Executive Board. Upon request the Committee will immediately send copies of all documents relating to the complaint to the LOWI.
3. If the LOWI's advice has not been requested within the period referred to under paragraph 2, the Executive Board will adopt its judgement on the complaint.
4. If the LOWI is asked for advice, the Executive Board will take this advice into consideration in its final decision.

Article 6 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, the Confidential Advisers and the Committee members.

Article 7 Unforeseen circumstances

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

Article 8 Final provisions

These Regulations will take effect on 1 October 2012 and as from that date will replace the Regulations for the Protection of Academic Integrity at the University of Amsterdam.

These Regulations will be published on the UvA website.

The advice of the Committee and the judgements of the Executive Board on all complaints investigated as from 1 October 2012 will be published on the VSNU website in anonymised form after the procedure has been completed.

Appendix 1: Violations of academic integrity

Appendix 1 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 in 2001 and the Netherlands Code of Conduct for Scientific Practice issued by the VSNU in 2004. Of all the many international policy documents, the ALLEA European Code of Conduct for Research Integrity from 2011 is leading.

Errors can be made anywhere at any time and there are many degrees and types of misconduct. Good scientific practice is only possible when there is full adherence to the principles of scrupulousness, reliability, honesty, impartiality, responsibility and respect. Academic misconduct is detrimental to the truth, to other academic professionals and to society at large. It is the university or the research institute that has primary responsibility for preventing and, if necessary, penalising misconduct among the researchers it employs.

The universities declare that they categorically reject, will actively prevent and will use all necessary sanctions at their disposal to penalise the conduct summarised below. Violations of academic integrity will in any event include:

1. Fabrication: introducing fabricated data
The fabrication or invention of data that are presented as the actual findings of scientific research. This strikes at the core of the academic mission – establishing the truth.
2. Falsification: the falsification of data and/or secretly omitting findings obtained through scientific research
Data that a researcher considers unwelcome may never be altered to reflect hypotheses or theoretical outcomes. Data may only be omitted if there are demonstrable grounds for doing so.
3. Plagiarism of other people's publications and results (wholly or in part)
Good scientific practice hinges on the faithful acknowledgement of the intellectual ownership of each person's contribution to knowledge. This applies to the entire spectrum, from student projects and theses to academic publications and dissertations. It is not limited to verbatim appropriation but also includes paraphrasing, the omission of notes or references and the unacknowledged use of data, designs or tables compiled by others. Under copyright law, a researcher can not only be sued in court by victims but can also be prosecuted for plagiarism in cases where there is no or no longer an immediate victim.
4. The intentional omission and failure to acknowledge contributions by other authors is a form of misconduct related to plagiarism. Intentional and gross violations that cannot be resolved within the academic community itself must be laid before the Academic Integrity Committee for an independent judgement.
5. Wrongly presenting oneself as an author or co-author
A researcher may only be cited as the author or co-author of a publication if he or she has provided demonstrable input through the contribution or development of ideas, expertise, research and/or theories. Any researcher who attaches his or her name to a publication must take all possible steps to ensure the accuracy and integrity of the content.

6. The intentional misuse of statistical or other methods and/or the intentional misinterpretation of results

The interpretation (statistical or otherwise) of research data and empirical results and the process of questioning the accuracy of such interpretations are integral to academic discourse. The definition of misconduct will only apply if the academic community reaches the unanimous judgement that a researcher has persisted in misrepresenting the facts and in presenting unfounded conclusions. If necessary, an Academic Integrity Committee of external peers can be appointed to make such a judgement.

7. Culpable carelessness in the conducting of research

The definition of misconduct will only apply if the researcher's actions go beyond errors and sloppiness and if he or she fails to modify his or her procedure in response to serious and substantiated criticism. An Academic Integrity Committee can investigate whether this is the case.

8. Permitting and concealing the misconduct of colleagues

Researchers and administrators have a duty of care with respect to science as a whole and to researchers in their direct environment in particular. It should be noted that the hierarchical nature of relationships in the academic community (such as between a supervisor and a PhD candidate) can sometimes make it difficult to file a complaint against a colleague.