

# NWO Scientific Integrity Complaints Procedure



## Preamble

It is of essential importance that scientific research is carried out in accordance with the leading principles of scientific integrity – honesty, care, transparency, independence and responsibility. Unethical research may lead to direct damage (such as to the environment or patients for example) and may harm the public trust in science and the trust between scientists. The Dutch Research Council (NWO) therefore considers it its task to guard the quality of scientific research financed by NWO.

NWO set up the NWO Scientific integrity reporting centre for this purpose. This reporting centre handles complaints concerning (possible) breaches of scientific integrity relating to a person who is or was a project leader or who is or was active within a research project financed in whole or in part by NWO.

The NWO board appoints one or more confidential advisors for the reporting centre. The board may appoint an NWO scientific integrity committee. The board determines an initial opinion on the basis of the advice provided by the NWO scientific integrity committee. The complainant and/or the alleged perpetrator may submit this initial opinion to the National Board for Research Integrity (LOWI).

The NWO Scientific Integrity Complaints Procedure applies exclusively to complaints concerning (possible) breaches of scientific integrity by persons who are not employed by NWO. The NWO Scientific Integrity Complaints Procedure I applies to reports of (possible) breaches of scientific integrity by researchers who are employed at one of the NWO institutes.

## General

### Article 1 | Definitions

1. In this regulation, the terms below are defined as follows:
  - a. **Awb:** the General Administrative Law Act.
  - b. **Alleged Perpetrator:** a person who is or was a project leader or is or was active within the context of a research project financed in whole or in part by NWO and about whose conduct a complaint was submitted to the NWO Scientific Integrity Reporting Centre.
  - c. **Scientific Integrity Committee of the alleged perpetrator's institution:** The scientific integrity committee of the institution where the alleged perpetrator is or was active.
  - d. **NWO Scientific Integrity Committee:** a committee formed by the board that assesses the complaint substantively and the provides information and advice to the board regarding the findings pertaining to the complaint. The board may form an ad hoc committee or a permanent committee.
  - e. **Complaint:** a written report (including by email) concerning a (suspicion of a) breach of scientific integrity committed by a person who is or was a project leader or who is or was active within the context of a research project financed in whole or in part by NWO.
  - f. **Complainant:** The person who applies to the NWO Scientific Integrity Committee via the board or the confidential advisor or otherwise.

- g. **LOWI:** National Board for Research Integrity.
  - h. **Board:** the board of NWO.
  - i. **Breach of scientific integrity:** breach of standards accepted nationally and internationally regarding scientific conduct, as elaborated in the applicable Netherlands Code of Conduct for Research Integrity.
  - j. **Reporting Centre Secretariat:** the NWO Legal Affairs department that acts as secretariat of the NWO Scientific Integrity Committee.
  - k. **Confidential advisor:** a person who has been appointed as scientific integrity confidential advisor by the board.
2. Reference in this regulation to: “he”, “him” or “his” may also be read as “her” or “hers”.

## Complaints

### Article 2 | Complaints

1. Any person who submit a complaint as referred to in article 1e to the NWO Scientific Integrity Committee.
2. The complaint is formulated in the Dutch or English language and includes at least:
  - a. the name and address of the complainant. anonymous complaints are not handled;
  - b. the date;
  - c. the complainant’s signature;
  - d. a description of the (alleged) breach of scientific integrity (assuming the principles and standards for sound research practice referred to in the Netherlands Code of Conduct for Research Integrity);
  - e. the name or description of the person/ persons against whom the complaint is directed, in which connection it is indicated what relationship exists between the alleged perpetrator and NWO financing.
3. The complainant submits the complaint while simultaneously sending all items of evidence that substantiate his complaint, in so far as these are available to him.

4. The handling of a complaint is deferred during the decision-making regarding an application. Complaints are handled as soon as a financing relationship with NWO arises and provided the complaint cannot be submitted on any basis to an scientific integrity committee of the institution in question.
5. If the complaint can be submitted to a scientific integrity committee of the institution in question, NWO will report the complaint to the scientific integrity committee of the institution in question while handing over the file made available to it, for the purpose of settlement in accordance with the procedure laid down in the Netherlands Code of Conduct for Research Integrity 2018.
6. If the complaint concerns a complaint that was already handled previously by NWO, the board may settle the complaint in accordance with 9:8 Awb with reference to its previous decision, unless the complainant demonstrates that there are new facts or changed circumstances.

## Confidential Advisors Reporting Centre

### Article 3 | Appointment of confidential persons

1. The board appoints one or more confidential advisors for a period of five years. A one-off reappointment for a consecutive period of at most five years is possible.
2. A confidential advisor must have at least the following qualifications:
  - a. has experience with conflict management and/or mediation;
  - b. has an impeccable scientific reputation;
  - c. does not perform other activities for or on behalf of NWO;
  - d. does not receive financing from NWO for the purpose of scientific research.

3. The board may terminate the appointment of a confidential advisor prematurely:
  - a. at the confidential advisor's own request;
  - b. if the confidential advisor no longer satisfies the requirements for eligibility for appointment referred to in paragraph 2;
  - c. due to improper performance as confidential advisor.
4. The Conflict of Interest Code of Conduct or, once it has entered into effect, the Handling personal interests Code applies to the activities of the confidential advisor.

#### Article 4 | Tasks of confidential advisors

The confidential advisor:

- a. acts as point of contact for questions and complaints concerning scientific integrity;
- b. if he sees opportunities for doing so, he will attempt to resolve the complaint amicably between the parties by means of mediation;
- c. advises the board to have the complaint investigated by the NWO Scientific Integrity Committee if the complaint cannot be resolved amicably;
- d. reports on his activities to the board after the fact by means of an annual report.

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#### Article 5 | Appointment and composition of the NWO Scientific Integrity Committee

1. The board forms a scientific integrity committee for the substantive assessment of one or more complaints. This may be an ad hoc or a permanent committee.
2. The committee consists of a chairman and at least two other members. At least one of the members is a lawyer.

3. Members of the committee must have at least the following qualifications:
  - a. has an impeccable scientific reputation;
  - b. is not an employee of NWO and does not hold a management position at NWO;
  - c. does not receive financing from NWO for the purpose of scientific research.
4. The board may terminate the appointment prematurely:
  - a. at the own request of the chairman or member of the committee;
  - b. if the chairman or member of the committee no longer satisfies the requirements for eligibility for appointment referred to in paragraph 3;
  - c. due to improper performance as chairman or as member of the committee.
5. Confidential advisors of the reporting centre are not eligible for appointment as chairman or member of the committee.
6. The Conflict of Interest Code of Conduct or a subsequent code applies to the activities of the committee.

## Reporting Centre Secretariat

#### Article 6 | Reporting centre secretariat

1. The NWO Legal Affairs department that acts as secretariat of the NWO Scientific Integrity Committee.
2. The secretariat:
  - a. provides advice to the board regarding the question whether the complaint can be handled by NWO and reports on this to the confidential advisor;
  - b. supports the confidential advisor during the performance of his duties;
  - c. supports the NWO Scientific Integrity Committee in the performance of its task.

# Complaints Handling Procedure

## Article 7 | Receipt of complaints

1. The secretariat confirms receipt of the complaint in writing within one week.
2. The secretariat informs the complainant within three weeks after receipt of the complaint or – in case of an application in respect of which no decision has yet been made – after deciding on the complaint, whether the complaint will be handled by NWO and about the further course of the procedure.
3. The board may decide not to handle a complaint if:
  - a. it fails to comply with the requirements set in article 2, second paragraph, of this regulation, provided the complainant has been afforded the opportunity to remedy the default within a reasonable term afforded to him;
  - b. no financing relationship arises with NWO or the complaint may be submitted to a scientific integrity committee of another institution;
  - c. it is or was already subjected to the opinion of a scientific integrity committee of another institution or judicial authority.

## Article 8 | Mediation by the confidential advisor

1. As soon as NWO proceeds with handling the complaint, the confidential advisor will inform the alleged perpetrator of the complaint and allow him to respond thereto (in writing). The confidential advisor attempts to resolve the complaint amicably between the parties by means of mediation on the basis thereof.
2. If the complaint cannot be resolved amicably or if this is not desirable, the confidential advisor will advise the board to have the complaint investigated by the NWO Scientific Integrity Committee.

## Article 9 | Handling by the NWO Scientific Integrity Committee

1. If the complaint is being handled substantively by the NWO Scientific Integrity Committee, the committee will hear the parties involved.
  - The committee hears the persons it considers are involved in the complaint, including in any event the complainant and the alleged perpetrator.
  - Parties involved may have themselves assisted by an authorised representative.
  - Hearings are not public.
  - The committee may hear witnesses and experts.
  - A report or sound recording will be created of the hearing.
  - The parties involved are heard in each other's presence, unless there are compelling reasons for not doing so. If this is the case, the party/parties involved who are not present are informed of the matters discussed during the hearing outside his presence.
2. The NWO Scientific Integrity Committee may demand inspection of all documentation and correspondence it deems relevant to the assessment of the complaint.
3. The committee issues written advice to the board regarding the validity of the complaint within 10 weeks after the NWO Scientific Integrity Committee performed the substantive assessment of the complaint. The committee may extend this term once by at most four weeks.
4. The committee's advice includes at least the following:
  - a. A description of the procedure followed;
  - b. A description of the positions of the parties involved, as well as the opinion of any witnesses and/or experts who may have been consulted;
  - c. Whether the committee considers the complaint well-founded or unfounded and, in case it is well-founded, which of the qualifications as referred to in paragraph 5.2 of the Netherlands Code of Conduct for Research Integrity should be attributed to it in its opinion;
  - d. The substantiation of the committee's opinion.

5. The advice of the committee is submitted to the confidential advisor by way of notification.

## Article 10 | Decision-making and follow-up procedure

1. The board determines its initial opinion regarding the complaint during its next meeting following receipt of the advice from the NWO Scientific Integrity Committee.
2. The board informs the parties involved in the complaint, including in any event the complainant and the alleged perpetrator(s), immediately and in writing of the initial opinion, while simultaneously sending the committee's advice. If the board deviates from the committee's advice in its initial opinion, the initial opinion will state the reason for the deviation.
3. The complainant and the alleged perpetrator(s) may request the LOWI board to issue advice concerning this initial opinion within six weeks after the date of the provisional opinion. The applicable LOWI regulations apply to the procedure.
4. If the complainant has not submitted a request for advice to LOWI within the term referred to in third paragraph, the initial opinion will be converted into a definitive opinion. The parties involved are informed thereof in writing.
5. If the complainant has requested LOWI for advice, the board will determine its definitive opinion following receipt of that advice. If the board deviates from the committee's advice in its definitive opinion, the opinion will state the reason for the deviation.
6. The board informs the parties involved in the complaint, including in any event the complainant, the alleged perpetrator(s) and in relevant cases the institution involved, of the definitive opinion immediately and in writing.
7. If the complainant is found to be well-founded the board may, depending on the nature of the acts and without prejudice to the provisions of the General Administrative Law Act, withdraw the subsidy of the alleged perpetrator in whole or in part or set the subsidy at a lower amount. The board will make a separate decision to that effect if this is the case.

# Other Provisions

## Article 11 | Rights and obligations of the parties involved

1. All parties involved in the complaint are obliged to render all cooperation to the confidential advisor or the committee they may request within reason when exercising their powers. If this cooperation is not provided, the board may attach thereto the consequences it deems appropriate.
2. Any person involved in the handling of a complaint is obliged to observe confidentiality regarding everything known to him regarding the complaint.
3. Submission of a complaint pursuant to this regulation cannot lead to any direct or indirect disadvantage for the complainant, unless the complainant did not act in good faith. Acting in bad faith applies inter alia if a complaint was submitted deliberately to harm a person's reputation. The same applies to witnesses, experts, confidential advisors and the committee members.

## Article 12 | Unforeseen cases

The board decides in all cases not provided for in this regulation.

## Article 13 | Effective date and announcement

1. This regulation enters into effect on 1 June 2019, and replacement the Scientific Integrity Complaints Procedure -subsidy provision.
2. This regulation may be cited as the "NWO Scientific Integrity Complaints Procedure" and is published on the NWO website.

Adopted by the board of NWO,

Date: 22 May 2019

On behalf of the board,