

Delft University of Technology Regulations on Academic Integrity Complaints¹

Considering,

that all persons involved in academic teaching and research at Delft University of Technology share in the responsibility for maintaining academic integrity;
that all persons are expected to adhere to the general principles of professional academic practice at all times;

that the Netherlands Code of Conduct for Scientific Practice (Association of Universities in the Netherlands, VSNU 2005, amended in 2012) sets out these principles, which are also endorsed by Delft University of Technology and apply as guidelines for the University within the meaning of Article 1.7 of the Dutch Higher Education and Scientific Research Act (WHW);

that one way to monitor academic integrity is to exercise the right of complaint when employees of Delft University of Technology violate or are suspected of violating integrity;

that it is therefore desirable to lay down regulations in order to realise this right of complaint;

and hereby institutes

Having due regard to Article 1.7 of the Dutch Higher Education and Scientific Research Act (WHW);

Having heard the deans of the faculties assembled at the Group Council of 4 March 2013;

Having heard the Central Students' Council in the consultation meeting of 14 March 2013;

Having heard the employee organisations in their Local Consultative Meeting of 18 February 2014;

With the approval of the Works Council (137th consultative meeting of 15 May 2014);

the following regulations.

Article 1 Definitions

The following definitions shall apply in these Regulations.

- a. violation of academic integrity: acts or omissions in violation of the Netherlands Code of Conduct for Scientific Practice (VSNU 2005, amended in 2012), including the conduct described in the Annex to these regulations;
- b. complaint: a report of a (suspected) violation of academic integrity committed by an employee;
- c. complainant: the person who submits a complaint to the Committee, whether or not through the Executive Board or the Confidential Advisor;
- d. accused: the employee about whose conduct a complaint is submitted;
- e. employee: the person who has or had a relationship of employment under the Collective Labour Agreement of Dutch Universities (CAO-NU) with the University or who is or was working in some other capacity under the responsibility of the University;
- f. Confidential Advisor: the person appointed as Confidential Advisor for academic integrity by the Executive Board;
- g. Committee: the committee appointed by the Executive Board to deal with complaints concerning the violation of academic integrity.

Article 2 General

¹ This is a translation of the Dutch version of the procedure. In case of a conflict between the English and Dutch version of the procedure, the Dutch version will prevail and will be binding.

1. Any person is entitled to submit a complaint to the committee, whether or not through the Executive Board.
2. 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 make its recommendation to the Supervisory Board and the Supervisory Board will exercise the authority pursuant to Article 5.
3. All persons are obliged to furnish cooperation to the Confidential Advisor or the Committee within a reasonable period of time that the Confidential Advisor or Committee may reasonably specify in the exercising of their authority.
4. All persons involved in dealing with a complaint shall keep confidential all information that becomes to know to them in the course of the complaint procedure.

Article 3 Confidential Advisor

3.1 Appointment

1. The Executive Board appoints one or more Confidential Advisors for a term of four years. Each Confidential Advisor may be reappointed for one additional and contiguous term of four years.
2. Conditions of appointment:
 - (emeritus) professor with extensive experience in teaching and research, preferably at one or more Dutch universities;
 - an unblemished academic reputation;
 - the ability to deal with differences and conflicts;
3. The Executive Board can terminate the appointment at any time
 - at the request of the Confidential Advisor;
 - in the event that the Confidential Advisor no longer meets the conditions of appointment;
 - if the Confidential Advisor is failing in the performance of his/her duties.
4. The following persons cannot be nominated as Confidential Advisor: members of the Supervisory Board, members of the Executive Board, deans of the faculties.

3.2 Duties

The Confidential Advisor

- a. acts as a low-threshold point of contact for questions and complaints relating to academic integrity;
- b. attempts, where he sees the opportunity, to mediate in the complaint or otherwise to reach an amicable resolution;
- c. shows the complainant how to submit a complaint to the committee.

3.3 Accountability

1. The Confidential Advisor is accountable to the Executive Board and reports on his activities in an annual report that will form part of the University's annual report.
2. The Confidential Advisor is bound to keep confidential all information acquired in the performance of his duties.

Article 4 Academic Integrity Committee

4.1 Appointment and composition

1. The Executive Board institutes an Academic Integrity Committee.
2. The Committee consists of a chairman (who is also a member), a vice-chairman (who is also a member), two other members and at least one student member.
3. The chairman and the members are appointed by the Executive Board.
4. The provision under Article 3.1 also applies with the proviso that a Confidential Advisor is not eligible to be appointed either as chairman or a member of the Committee.
5. The appointments will be made with a view to ensuring equal representation of the University's academic disciplines. By preference, one member will be a lawyer.
6. The Committee can be enlarged temporarily when investigating a particular complaint by experts who may or may not be affiliated to the university.
7. The Committee receives internal support from a lawyer.

4.2 Duties

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

4.3 Authority

1. The Committee is authorized to gather information from all employees and bodies of the University. It can request access to all documents, records and correspondence which it deems important in dealing with the complaint.
2. The Committee can consult experts who may or may not be affiliated to the University. A report will be made of such consultation.

4.4 Procedure

1. Complaints will be dealt with by three members of the Committee, including the chairman or the vice-chairman. If the complaint relates to matters pertaining to education, a student member will be added to the handling committee.
2. Members of the committee who are in any way involved with the persons or facts concerned with the complaint are not eligible to deal with that complaint.
3. If the procedure of the Committee is not laid down in these Regulations, the chairman will decide on the procedure to be followed.

4.5 Admissibility

1. The Committee will determine the admissibility of the complaint based on the following criteria:
 - a. a clear description of the (alleged) violation of academic integrity by one or more particular employees of the university
 - b. the written or other pieces of evidence relating to it;
 - c. a statement of the complainant's name, title or position, and contact details. This criterion does not apply if the Committee, at the request of the Executive Board, investigates a complaint without knowing the identity of the complainant.
2. The Committee will determine not to take up a complaint if it is of the opinion that too much time has elapsed since the alleged violation, if it has already investigated this same complaint, if it deems the complaint to be clearly unfounded or not serious enough to deserve consideration.
3. The Committee can offer the complainant the opportunity to provide further information on the complaint within a period of time of its choosing.
4. The Committee will render judgment on the admissibility or taking up of the complaint within four weeks of receiving it. If it should conclude that the complaint is inadmissible or will not be taken up, it will immediately advise the Executive Board accordingly .
5. The Executive Board will determine, no later than two weeks after receiving the Committee's advice, whether the complaint is admissible and whether it will be dealt with. It will immediately inform the complainant and the accused accordingly in writing.

4.6 Handling of the complaint

1. If the Committee deems the complaint admissible, it will go ahead and deal with it.
2. The Committee will hear all persons concerned with the complaint. A report will be made of its hearings.
3. The complainant and the accused can be assisted by counsel during the hearing.
4. Both the complainant and accused will be present at the hearing unless there are compelling reasons to hear them separately. In the latter case, each will be informed of what occurred in the hearing during their absence.
5. The Committee can hear witnesses and experts.
6. The Committee will issue its advice to the Executive Board no later than twelve weeks after receipt of the complaint as to whether the complaint is well founded and concerning the disciplinary or measures to be taken.
7. Hearings will not be public.

4.7 Accountability

1. The Committee reports on its activities to the Executive Board in an annual report that will form part of the University's annual report.
2. The members and the secretary of the Committee and any experts consulted shall keep confidential any information acquired in the performance of their duties.

Article 5 Follow-up Procedure

1. No later than four weeks after receiving the Committee's advice, the Executive Board will issue its initial ruling on the complaint and the disciplinary or other measures to be taken. The complainant and the accused will be immediately notified of the ruling in writing.
2. The Committee's advice will be included with the initial ruling. If the Executive Board's ruling differs from the Committee's advice, the reasons for this are stated in the decision.
3. Complainant and accused have six weeks to ask the National Board for Research Integrity (LOWI) for its advice on the initial ruling of the Executive Board. Upon request, the Executive Board will immediately send the LOWI copies of all documents relating to the complaint.
4. No appeal can be made to the LOWI against the setting and implementation of disciplinary or other measures. If advice is requested from the LOWI, the implementation of any proposed disciplinary or other measures is suspended until the Executive Board has issued a ruling as referred to in paragraph 6.
5. If the LOWI's advice has not been requested within the period stated under paragraph 3, the Executive Board will issue its ruling on the complaint.
6. If the LOWI's advice is requested, the Executive Board will issue its final ruling on the complaint within four weeks of receiving the advice, taking account of that advice.

Article 6 Shielding Concerned Parties

The submission of a complaint pursuant to these Regulations will not result in any direct or indirect harm to the complainant whatsoever, unless the complainant has not acted in good faith. This also applies to witnesses, experts, Confidential Advisors and Committee members.

Article 7 Other duties of the Academic Integrity Committee

The Committee also serves as the committee referred to in Article 1.7 of the Dutch Higher Education and Scientific Research Act. The Executive Board can request the Committee's advice on general aspects of ethics and academic integrity.

Final Stipulations

Article 8 Transitional provisions

1. Appointments of the chairman and members of the Academic Integrity Committee, based on the Delft University of Technology Academic Integrity Regulations of 13 September 2005, serve as appointments of the committee based on these regulations.
2. The Guidelines for Human Experimentation, laid down in the Annex to the Delft University of Technology Academic Integrity Regulations of 2005, and the Regulations on the Procedure and Subcommittee for Human Experimentation, adopted by the Academic Integrity Committee on 12 December 2012, shall apply until new regulations on human experimentation are adopted.

Article 9 Rescission

The Delft University of Technology Academic Integrity Regulations of 13 September 2005 are hereby rescinded.

Article 10 Effective date

These Regulations come into effect on the day after the publication date of the TU Delft newsletter in which the Regulations are announced.

Article 11 Title for citation

These Regulations shall be cited as 'Klachtenregeling wetenschappelijke integriteit TU Delft' (TU Delft Academic Integrity Complaints Regulations).

These Regulations will be published on the website of Delft University of Technology.
These Regulations and their publication on the University website will be announced in 'TU News', the University's digital newsletter.

As agreed at the Executive Board meeting of 4 June 2013.

Drs. D.J. van den Berg,
Chairman

Annex 1: Violations of academic integrity

Annex to the TU Delft Academic Integrity Complaints Regulations

Violations of academic integrity

There is broad consensus within the academic community as to how researchers should conduct themselves and the conduct that should be repudiated as a violation of academic integrity. That consensus is evidenced in the Netherlands by the Memorandum on Scientific Integrity (Royal Netherlands Academy of Arts and Sciences, 2001) and the Code of Conduct for Scientific Practice (VSNU, 2004). Of the many international documents, the ALL European Academies (ALLEA) European Code of Conduct for Research Integrity (2011) is leading.

Errors are common and there are many degrees and types of misconduct. Science is possible only when all requirements for scrupulousness, reliability, honesty, impartiality, responsibility, and respect are met. Scientific misconduct causes harm to truth, other scientists, and society. The primary responsibility for countering misconduct and imposing sanctions when necessary rests with the researcher's employer, the university or the research institution.

The universities categorically reject, actively resist, and will punish with the means available to them the following conduct. Violations of academic integrity are understood to include:

1. Fabrication: introducing fabricated data

The fabrication or invention of data which are presented as the actual findings of research. This goes to the heart of science: the process of establishing truth.

2. Falsification: the falsification of data and/or secret elimination of data obtained from research

Data that is unwelcome to the researcher must never be manipulated to fit expectations or theoretical outcomes. Data may be omitted only on demonstrably sound grounds.

3. Plagiarism of all or part of other people's publications and results

Science works only with the honest acknowledgment of the intellectual ownership of each person's contribution to knowledge. This applies to the entire range of work, from student projects and papers to academic publications and dissertations. This is not confined to literal appropriation but also includes paraphrasing, omission of notes or citations, and the unacknowledged use of data, drawings or tables prepared by others. While copyright legislation offers victims the opportunity for redress through the courts, a plagiarist can be prosecuted for plagiarism even if there is not (or is no longer) a direct victim.

4. Intentionally ignoring and failing to acknowledge contributions by other authors is a form of misconduct related to committing plagiarism. Wilful and flagrant violations which cannot be resolved within the academic community require an independent ruling by the Academic Integrity Committee.

5. Wrongly presenting oneself as (co-)author

A researcher may only be listed as a publication's co-author when he has made a demonstrable contribution to it in the form of ideas and expertise incorporated in it, research performed, or theorizing. A researcher who attaches his name to a publication shall ascertain the accuracy and integrity of its content to the best of his ability.

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

The (statistical) interpretation of research data and empirical results is part of academic discourse and includes the question of whether or not the interpretation is correct. It can be labelled as misconduct only when the

academic community has reached an unchallenged ruling that there is persistent misrepresentation and presentation of unfounded conclusions. An Academic Integrity Committee with external peers has the powers to reach such a judgment.

7. Culpable carelessness in carrying out the research

This can be labelled as misconduct only when the researcher goes beyond error and sloppiness and fails to modify his procedure after serious and well-founded criticism. An Academic Integrity Committee can investigate whether this is the case.

8. Permitting and concealing the misconduct of colleagues

A researcher or director has a duty of due care with respect to science as a whole and in particular to the researchers in his immediate circle. It must be acknowledged that hierarchical relationships in the academic world, such as those between a supervisor and a PhD candidate, do not always make it easy to lodge a complaint against colleagues.