



REGULATION ON COMPLAINTS REGARDING ACADEMIC INTEGRITY

Preamble

At the Theological University of Kampen, all those involved in the education and research are personally responsible for maintaining academic integrity. The general principles of professional academic conduct must be complied with at all times. The Netherlands Code of Conduct for Scientific Practice (Association of Universities in the Netherlands (VSNU) 2005, amended in 2012) elaborates on these principles that are endorsed by Theological University of Kampen and that serve as guidelines for the University as referred to in Article 1.7 of the Higher Education and Research Act (WHW). One of the means of testing academic integrity is the right to complain in case of suspected violations of academic integrity by university staff members. The Board of Directors has adopted the following regulations in order to implement this right to complain.

Art. 1 Definitions

Violation of academic integrity: Actions or omissions that conflict with the Netherlands Code of Conduct for Scientific Practice, in so far as this concerns violation of Academic Integrity, among which in any case the practices mentioned in Appendix 1.

Complaint: a report of suspected violation of academic integrity committed by a staff member.

Complainant: the person addressing the complaint to the committee, via the Board of Directors or the confidential adviser or otherwise.

Defendant: the employee against whose behaviour a complaint has been lodged

Employee: any person who in accordance with the CAO of Dutch Universities is currently, or was in the past, employed by the University or whose work otherwise falls, or fell, under the university's responsibility.

Confidential adviser: The person appointed as confidential adviser for academic integrity by the Board of Directors

Committee: The committee appointed by the Board of Directors to deal with complaints concerning violation of academic integrity.

Art. 2 General

- Every person has the right to submit a complaint to the Committee, either through the Board of Directors or through the confidential adviser or directly.
- If the complaint concerns a member of the Board of Directors, the complaint may be submitted to the Committee through the Supervisory Board or the confidential adviser or otherwise. In this case, the Committee will advise the Supervisory Board, which will exercise the powers mentioned in Article 5.
- All persons are obliged, within the reasonable period of time stipulated, to provide every assistance to the confidential adviser or the Committee that they can reasonably demand in exercising their powers.

- All persons involved in handling a complaint are bound to confidentiality with respect to those matters that come to their attention in the course of the complaint procedure.

Art. 3 Confidential adviser

a. Appointment

1. the Board of Directors will appoint one or more confidential advisers for a period of four years. Reappointment for a subsequent term of four years is possible.
2. Requirements for appointment are:
 - a. a professor, or emeritus professor, with extensive experience in research and education, preferably acquired at one or more Dutch universities;
 - b. an impeccable academic reputation;
 - c. being able to deal with differences of opinion and conflicts;
 - d. members of the Supervisory Board, members of the Board of Directors, members of the Academic Integrity Committee and the Deans of the faculties are not eligible for appointment.
3. the Board of Directors may terminate an appointment prematurely
 - at the request of the confidential adviser;
 - if the adviser no longer meets the requirements for appointment;
 - if the confidential adviser fails to perform satisfactorily.

b. Duties

The confidential adviser:

- acts as approachable point of contact for questions and complaints concerning academic integrity
- attempts to mediate or to otherwise reach an amicable settlement of the complaint, wherever he sees the opportunity to do so;
- informs the complainant of the procedure for submitting a complaint to the Committee.

c. Accountability

The confidential adviser reports on his activities to the Board of Directors retrospectively in an annual report to be used for the annual report of the University;

The confidential adviser is bound to confidentiality regarding all that the information gained the capacity of confidential adviser.

Art. 4 Academic Integrity Committee

a. Appointment and composition

- The Board of Directors will appoint an Academic Integrity Committee.
- The Committee will consist of a chair and at least two other members.
- The chair and the members will be appointed by the Board of Directors.
- The provisions under 3.a apply accordingly, with the provision that a confidential adviser is not eligible for appointment as chair or member of the Committee.
- In appointing the members, the aim is to achieve a balanced representation of the University's fields of research. One member should preferably be a legal expert.
- The Committee can, for the purposes of investigating a particular complaint, be temporarily extended to include experts, who may or may not be affiliated with the University.
- The Committee will be assisted administratively by a legal expert.
- Neither the confidential advisers nor the members of the Board of Directors are eligible for appointment.

b. Duties

The Academic Integrity Committee will investigate complaints and make recommendations regarding such complaints to the Board of Directors.

c. Authority

- the Committee is authorised to obtain information from all staff members and bodies of the University. It can request inspection of all documentation and correspondence that it considers necessary for assessing the complaint.
- The Committee may consult experts who may or may not be affiliated with the University. A report will be made of these consultations.

d. Procedure

1. A complaint will be reviewed by the chair of the Committee and two other members, supplemented with one or more experts, if necessary.
2. Members of the Committee who are in any way involved with the persons or facts on which the complaint has a bearing, are not eligible to review the complaint.
3. The Committee will assess the admissibility of the complaint by means of the following criteria:
 - a. a clear description of the suspected violation of academic integrity by one or more stipulated staff members of the Theological University of Kampen;
 - b. the written or other evidence bearing on the suspected violation of academic integrity;
 - c. the name, position and contact details of the complainant;
 - d. At the request of the Board of Directors, the Committee may investigate a complaint without knowing the identity of the complainant.
4. The Committee is authorized, if there is reason for it, to refrain from dealing with a complaint if the Committee judges that the violation has taken place too long ago or if the complaint has already been reviewed by the Committee.
5. The Committee may offer complainant the opportunity to elaborate on the complaint within a set time limit.
6. The Committee will decide within three weeks whether the complaint is admissible. If the Committee concludes that the complaint is inadmissible, the Committee will immediately advise the Board of Directors accordingly.
7. If the Committee decides that the complaint is admissible, the Committee will proceed to review the contents of the complaint.
 - The Committee will hear all the parties involved in the complaint. A report will be made of this hearing;
 - Both the complainant and the accused can choose to be assisted at the hearing;
 - The parties involved will be heard in each other's presence, unless there are compelling reasons to hear them separately. In that case, each of them will be informed of the proceedings that took place in the hearing in their absence;
 - The Committee may choose to hear witnesses and experts;
 - The hearing will not be public.
8. Within twelve weeks of receipt of the complaint, the Committee will advise the Board of Directors regarding the legitimacy of the complaint.

e. Accountability

The Committee will report on its activities to the Board of Directors by means of an annual report to be used for the University's annual report.

The members of the Committee and the experts consulted are bound by confidentiality regarding any matter that comes to their attention in the course of their duties.

Art. 5 Subsequent procedure

1. The Board of Directors will make its initial judgment within four weeks after receiving the Committee's recommendation. The Board will immediately inform the complainant and the defendant, or defendants, in writing. The Committee's recommendation will be included along with the initial judgement.
2. Within six weeks of receiving this information from the Board of Directors, both complainant and defendant, or defendants, can submit a request to the National Committee for Scientific Integrity (Landelijk Orgaan voor Wetenschappelijke Integriteit [LOWI]) for a recommendation regarding the initial judgment of the Board of Directors. A copy hereof will be submitted to the Board of Directors by complainant / defendant(s). Upon request, the Committee will immediately forward a copy of all evidence relating to the complaint to the LOWI.
3. If a recommendation from the LOWI has not been requested within the time limit referred to in the second paragraph of this article, the Board of Directors will formulate its final judgment regarding the complaint, after having received confirmation from the LOWI that no appeal has been made.
4. If a recommendation from the LOWI has been requested, the Board of Directors will reconsider its judgment in the light of this recommendation.

Art. 6 Protection of parties involved

The submission of a complaint in accordance with these regulations may not cause any disadvantage, directly or indirectly, for the complainant, unless the complainant did not act in good faith. The same applies to witnesses, experts, the confidential advisers and members of the Committee.

All persons involved are bound to confidentiality during the procedure up until the final decision. In addition, all persons involved are duty bound to exercise restraint after the procedure in order not to cause further disadvantage to the complainant.

Art. 7 Final provisions

This regulation becomes effective on 1 January 2014 and replaces all previous complaint regulations regarding academic integrity.

These regulations will be published on the website of the Theological University of Kampen.

The advice of the Committee and the judgment of the Board of Directors regarding complaints dealt with by the Committee are published in anonymous form on the website of the Association of Universities in the Netherlands (VSNU) after the procedure has been completed.

Appendix 1 Violations of academic integrity

Appendix to Academic Integrity Complaint Regulations

Violations of academic integrity

There is general agreement within the academic community regarding the manner in which academic researchers should behave and the type of conduct that should be rejected as a violation of academic integrity. In the Netherlands, this agreement can be found in the 2001 memorandum of the Royal Netherlands Academy of Arts and Sciences (KNAW) on Scientific Integrity and the 2004 VSNU Code of Conduct for Scientific Practice. Of the many international texts available, the ALLEA European Code of Conduct for Research Integrity from 2011 is authoritative in this matter.

Mistakes can be made everywhere and there many sorts of misconduct can be discerned. The academic world can only function properly if all the requirements of accuracy, reliability, honesty, impartiality, responsibility and respect are met. Academic misconduct damages truth, other researchers and society itself. Primary responsibility for fighting misconduct and if necessary punishing the responsible parties rests with the employer of the staff member, i.e. the University or the Research Institute.

With respect to the types of conduct listed below, the universities declare that they categorically reject and actively fight such conduct and if necessary that they will use all the sanctions at their disposal to punish perpetrators. Violations of academic integrity include in any case the following:

1. **Invention: including fictitious data**
Fabricating or inventing data which are then presented as actual research findings. This touches on the very heart of scientific inquiry – establishing the truth.
2. **Falsification: falsifying data and/or clandestine removal of obtained research results.**
Data that are unwelcome to the researcher may never be adjusted to expectations or theoretical conclusions. Data may only be omitted if there are demonstrable well-founded reasons for doing so.
3. **Plagiarism of publications, or parts of publications, and results by third parties**
The academic world can only function on the basis of an honest recognition of the intellectual property of every individual's own contribution to knowledge. This applies to the whole range of academic work, from student essays and theses to academic publications and dissertations. Plagiarism is not limited to literal copying; it also includes paraphrasing, failing to include notes or references, the covert use of data, designs or tables gathered by other parties. Copyright laws offer victims of plagiarism the opportunity to seek redress in a court of law, but even if there is no (longer a) direct victim, the researcher can still be sued for plagiarism.
4. **Intentionally ignoring and failing to recognise contributions by other authors is a form of misconduct that is related to plagiarism. Deliberate and gross violations that cannot be resolved within the academic community itself have to be judged independently by the Academic Integrity Committee.**
5. **Unjustly claiming authorship or co-authorship**
A researcher may only claim to be a co-author in a publication if he has made an identifiable contribution in the form of ideas and expertise, or by carrying out research or formulating a theory. A researcher who attaches his name to a publication must be convinced of the correctness and integrity of the contents.

6. Intentionally misusing (statistical) methods and/or intentionally misinterpreting results
The (statistical) interpretation of research data and empirical results is part of the academic discourse, as is the issue of the correctness of this interpretation. This can only be considered to be misconduct if the researcher perseveres in wrongly representing the situation and in presenting unauthorised conclusions, and if the academic community has reached a unanimous decision regarding this matter. If necessary, the Academic Integrity Committee can reach such a decision in consultation with external peers.
7. Imputable negligence in carrying out research
This only qualifies as misconduct if the researcher is guilty of more than the occasional error or carelessness and if he fails to correct his approach after severe and well-reasoned criticism.
The Academic Integrity Committee can investigate whether this is the case.
8. Condoning and concealing misconduct by colleagues
A researcher or administrator has a duty of care towards academia as a whole and more particularly towards the researchers in his immediate environment. It should be recognised that supervisory relations in academia, such as, for instance, between PhD candidates and their supervisors, do not make it easy to denounce colleagues.

For further information, please refer to [The Netherlands Code of Conduct for Academic Practice \(NCWI\)](#).