

**ACADEMIC INTEGRITY
COMPLAINTS PROCEDURE -
VRIJE UNIVERSITEIT AMSTERDAM
APRIL 2022**

Preface

The guiding principles of good and honest research and the resulting standards for good research practices, which are also endorsed by the Vrije Universiteit Amsterdam and apply as guidelines for a university as referred to in article 1.7 of the Higher Education and Research Act, are set out in the Netherlands Code of Conduct for Academic Integrity 2018.

All those involved in research within the Vrije Universiteit Amsterdam (referred to below as VU Amsterdam) have a responsibility to maintain the standards of academic integrity. Each researcher has a responsibility to carefully observe the standards of academic integrity and good research practise and to promote compliance by others. In this context all faculties of VU Amsterdam, and thus also the Faculty of Medicine, which is based in the Amsterdam University Medical Centres (referred to below as Amsterdam UMC) are regarded as belonging to VU Amsterdam.

If it is alleged that academic integrity has been breached, a complaint concerning this can be submitted. VU Amsterdam will ensure a scrupulous and honest procedure for the handling of the complaints and the subsequent decision-making. For this purpose, the VU Executive Board, in consultation with the Amsterdam UMC Governing Board, has adopted the following regulations.

As far as possible, these regulations will be applied by analogy if an investigation into a possible breach of academic integrity is instituted at the request of the Executive Board or Governing Board without a complaint having been submitted.

1. Definition of terms

- 1.1 code of conduct: the Netherlands Code of Conduct for Academic Integrity 2018.
- 1.2 breach of academic integrity: an action or omission that results in a breach of academic integrity within the meaning of article 5.2 under points A 1, 2, or 3 of the code of conduct.
- 1.3 complaint: a written report of an alleged breach of academic integrity committed by an employee or a student.
- 1.4 complainant: the person who makes a complaint to the Executive Board.
- 1.5 respondent: the employee or student concerning whose behaviour a complaint has been submitted, or into whose behaviour an investigation is carried out by the committee at the request of the Executive Board.
- 1.6 employee: a person who falls under the academic responsibility of VU Amsterdam. This also includes persons who are not connected or affiliated with VU Amsterdam, or are only connected or affiliated part-time, insofar as they participate in the research of VU Amsterdam or Amsterdam UMC or publish their research under the name or the academic responsibility of VU Amsterdam or Amsterdam UMC, with the exception of persons who are only involved in the research in a supporting role.
- 1.7 confidential counsellor: a person who is appointed as an academic integrity confidential counsellor by the Executive Board.
- 1.8 committee: the committee established by the Executive Board for the handling of complaints concerning a breach of academic integrity.

2. General

- 2.1 Everyone has the right to consult the confidential counsellor in the event of an alleged breach of academic integrity.
- 2.2 Everyone has the right to submit a complaint to the Executive Board, which will forward the complaint to the committee within seven working days. If the complaint is received in a vacation period the forwarding by the Executive Board to the committee may take more time: a maximum of seven working days after the vacation period has ended.
- 2.3 The Executive Board can, at the request of a faculty board or otherwise, request the committee to institute an investigation into an alleged breach of academic integrity. Consultation between the Executive Board and the committee will take place prior to such a request.
- 2.4 If the complaint concerns a member of the Executive Board, then the complaint can be submitted to the Supervisory Board of VU Amsterdam. In that case the committee issues a recommendation to the Supervisory Board of VU Amsterdam, and this exercises the authority that is lodged with the Executive Board under the terms of these regulations. If the complaint concerns a member of the Governing Board who is affiliated with VU Amsterdam, then the complaint can be submitted to the Supervisory Board of VU Amsterdam. In that case the committee issues a recommendation to both the Supervisory Board of VU Amsterdam and the Supervisory Board of Amsterdam UMC, and together these exercise the authority that is lodged with the Executive Board under the terms of these regulations.
- 2.5 If the complaint concerns a person who fell under the academic responsibility of various institutions that have endorsed the code of conduct at the time of the alleged breach, and the complaint could therefore be investigated in relation to several institutions, then the complaint can be investigated collectively or the institutions concerned can make other agreements concerning the manner of handling of the complaint. In that case the decision concerning the manner of handling of the complaint will be taken by the Executive Board.
- 2.6 All individuals are required to cooperate with the confidential counsellors, within the period set by the committee, that they can reasonably request in the exercise of their powers.

3. Confidentiality

- a) From the receipt of a complaint by the Executive Board until the Executive Board has taken a definitive decision, everyone who is involved in the handling of the complaint is liable to observe confidentiality concerning its content and the information that has become known in connection with it.
- b) The duty of confidentiality continues to exist for employees and students of VU Amsterdam after the Executive Board has taken a definitive decision. All other persons concerned are urged to continue to observe confidentiality in order to not cause any unnecessary damage to the academic reputation of the respondent.

- c) If the duty of confidentiality is contravened by the complainant, then the committee can decide not to handle a complaint further. The Executive Board can attach appropriate consequences to the contravention of confidentiality.
- d) The duty of confidentiality for the complainant and the respondent ceases to apply if damaging or other information concerning a case has been disclosed without the involvement of the party concerned.
- e) The provisions of articles 4.2, 5.4 and 5.9h of these regulations are exempted from confidentiality.

Confidential counsellors

4. Appointment

- a) The Executive Board, on the recommendation of the dean of the faculty in question, appoints one confidential counsellor per faculty (or possibly two for large faculties) for a period of two years or less. Reappointments are possible.
- b) The confidential counsellors must have an academic background and a good academic reputation, and be able to cope well with contradictions and conflicts. The confidential counsellor may not have an additional position that could hinder his or her functioning as a confidential counsellor.
- c) The Executive Board can prematurely terminate the appointment:
 - a. at the confidential counsellor's own request;
 - b. because the eligibility conditions for appointment are no longer fulfilled;
 - c. because of impaired functioning as a confidential counsellor.
- d) The members of the Executive Board, members of the Governing Board, deans and vice-deans of the faculties, portfolio holders of faculties, heads of department, division chairpersons, directors of research and the chairperson and members of the committee are not eligible for appointment as a confidential counsellor.

4.1 Task

The confidential counsellor:

- a) acts as the point of contact for reflection, questions and complaints concerning academic integrity within VU Amsterdam;
- b) attempts to mediate if possible, but is not the person who handles a complaint;
- c) provides guidance on submitting a complaint to the Executive Board if necessary. If so wished, the confidential counsellor can support the complainant during the complaint procedure.
- d) may not simultaneously support both the complainant and the respondent;
- e) only acts for the benefit of the person who has turned to the confidential counsellor;

- f) keeps confidential all information that is imparted in confidence, or whose confidentiality may be understood, unless the person who has imparted information agrees to this information being shared with particular persons;
- g) in connection with a case that is presented, can consult with at most one other confidential counsellor with a view to his or her own functioning in that case. The secretary of the committee can also be consulted with. Contrary to the provisions of article 4.1f, in these cases confidential information can also be shared without the permission of the person who has imparted this information. The other confidential counsellor in question and the secretary of the committee are obliged to observe confidentiality in respect of such confidential information.

4.2 Accountability

The confidential counsellors provide accountability in retrospect, in general terms, concerning their work by means of an annual report to the Executive Board and the Governing Board for the purpose of the annual report of VU Amsterdam and Amsterdam UMC. In the report an account is given, in general terms, of the cases handled and the activities carried out. The report should not be traceable to individuals.

Academic Integrity Committee

5. Appointment and composition

- a) The Executive Board appoints an academic integrity committee consisting of a chairperson and at least four other members, who are able to perform their tasks independently in the context of their present or former academic positions. The members of the committee must be, or must have been, employed at VU Amsterdam and/or VUmc. At least one of them must be a lawyer, at least one of them must be, or must have been, employed at the VUmc or within Amsterdam UMC affiliated with VU Amsterdam, and at least one of them must be a member of the medical profession.
- b) The Executive Board appoints the chairperson and the other members of the committee. The appointment is for a period of two years or less. Reappointments are possible.
- c) The chairperson and members must have an academic background and a good academic reputation. The provisions of points 4b to d apply correspondingly.
- d) A representative spread of the university's academic fields is sought in the appointments.
- e) For the investigation of a complaint the committee can be expanded with ad hoc members, connected with VU Amsterdam or Amsterdam UMC or otherwise. These members will be nominated by the chairperson of the committee following consultation with the Executive Board, and appointed by the Executive Board. The provisions of points 4b to d apply correspondingly.
- f) The committee appoints one or more deputy chairpersons from among its members.
- g) The committee is supported by a secretary and/or deputy secretary.

- h) Members of the committee who are in any way connected with the persons or facts that the complaint concerns, or who otherwise have an interest in the case, are not eligible for the handling of a complaint. If the foregoing applies to the chairperson of the committee then he or she will be replaced by a deputy chairperson.
- i) If the secretary or deputy secretary is connected with the persons or facts that the complaint concerns then he or she will be replaced by a deputy chairperson.

5.1 Task

The Committee investigates complaints on the instructions of the Executive Board and issues advice on this to the Executive Board.

5.2 Powers

In all phases of handling of the complaint, the committee is authorised:

- a) to gather information from all employees and agencies of VU Amsterdam and Amsterdam UMC;
- b) to inspect all documentation and correspondence that it deems necessary for the assessment of the complaint;
- c) to have copies made of documentation and correspondence, and to have these sealed or seized, if it considers this necessary in the interests of the investigation and that which is stated under points 5.2a and b is not sufficient for this purpose;
- d) to consult experts or other third parties, whether or not these are connected with VU Amsterdam or Amsterdam UMC.

5.3 Procedure

- a) Insofar as the procedure of the committee is not stipulated, this will be determined by the chairperson.
- b) Complaints can be investigated by the committee as a whole, or by a subcommittee on behalf of the committee. The chairperson or a deputy chairperson and two members and/or ad hoc members, at the least, will have places in a subcommittee. The chairperson determines the composition of the subcommittee on a case-by-case basis.

5.4 Accountability

The committee provides accountability in retrospect, in general terms, on its work by means of an annual report to the Executive Board and the Governing Board. This report will be issued to the College of Deans, the Employee Council and the University Student Council of VU Amsterdam, the Employee Council of Amsterdam UMC and the confidential counsellors for academic integrity.

5.5 Admissibility of the complaint

- a) After the receipt of a complaint the committee decides within a week whether it is admissible for handling.

- b) A complaint will only be accepted for handling if the following conditions are fulfilled:
 - i. the complaint includes a clear description of the alleged breach of academic integrity, and is accompanied by the relevant documents;
 - ii. the complaint is dated and includes the complainant's name, position and contact details.
- c) If the complaint does not fulfil the conditions stated under point 5.5b, then the committee will give the complainant the opportunity to supplement the complaint within two weeks. The period stated under point 5.5a will be extended by three weeks.
- d) If the complainant does not supplement the complaint within the specified period, the committee will advise the Executive Board to not accept the complaint for handling. The complainant will be informed of this advice.
- e) Contrary to the provisions of point 5.5b ii, the committee can investigate the complaint without being aware of the identity of the complainant. Anonymous complaints will only be accepted for handling if:
 - i. the identity of the complainant is known to the confidential counsellors for academic integrity; and
 - ii. the correspondence with the committee takes place via this confidential counsellor; and
 - iii. this is necessitated by compelling public interests or compelling interests of VU Amsterdam, Amsterdam UMC or those concerned.

5.6 Handling of the complaint

- a) If the complaint is accepted for handling, the committee will inform the Executive Board, the dean of the faculty in question and the respondent of this. The dean and the respondent will receive copies of the complaint and the associated documents.
- b) The respondent will be given the opportunity to submit a statement of defence within a period to be specified by the committee.
- c) The committee will hear the persons involved with the complaint who, in its opinion, are eligible. The committee will in any event give the complainant and the respondent the opportunity to be heard. Hearing can take place both in writing or verbally. The hearings of the committee are not open to the public.
- d) During the hearing the complainant and the respondent may be supported, but may not be represented by a third party.
- e) The complainant and the respondent will be heard separately, unless the committee decides otherwise.
- f) A summary report will be drawn up of a verbal hearing. The report will be sent to the person being heard in order to be checked for factual inaccuracies within a period to be determined by the committee. After the incorporation of any comments made by the person being heard the report will be signed by the person being heard within a period to be determined by the committee. If the person being heard refuses to sign the report then this will be mentioned in the advisory report, stating reasons.

- g) If the verbal hearing takes place separately, the committee will inform the complainant and the respondent of the issues handled during the hearing in their absence by sending a written report.
- h) The committee can make an audio recording of the verbal hearing. These are exclusively intended as an aid to drawing up the report. After the Executive Board has made its definitive decision, the recording will be deleted. Nobody except for the committee may make an audio recording during a hearing.
- i) If the hearing takes place in writing, the committee will inform the complainant and the respondent of the issues handled during the hearing in their absence by sending a written report.
- j) The committee can hear witnesses and experts, and request an expert report from experts. With a view to a fair handling, the expert report will be shared with the complainant and the respondent for information purposes, unless the committee sees reason to deviate from this rule on the basis of compelling reasons. The advisory report will state what reasoning will be incorporated from the expert report and, if applicable, why particular information from this report will not be made available.

5.7 Ending of the handling before completion of the investigation

- a) The committee can end the handling of the complaint before the completion of the investigation, also without having heard the complainant and the respondent, if in its opinion:
 - i. the complaint is manifestly of insufficient importance; or
 - ii. the complaint is manifestly unfounded; or
 - iii. the complaint was sufficiently investigated earlier by the committee or an equivalent committee; or
 - iv. if too long a period has elapsed after the alleged breach, or the complainant has waited for an unreasonably long time before submitting the complaint (in principle a period of ten years applies as unreasonably long); or
 - v. such a breach of confidentiality has taken place that it is not justified to accept the complaint for handling.
- b) If the committee ends the handling in accordance with this article, it will issue an advisory letter or advisory report on this to the Executive Board.
- c) The Executive Board can instruct the committee to resume the handling and complete its investigation.

5.8 Withdrawal of the complaint

- a) The complainant can withdraw the complaint at any time during the investigation by sending a written declaration to this end to the committee. If the committee is of the opinion that a complaint withdrawn by the complainant should not be further investigated, it will immediately inform the respondent, the Executive Board and the dean of the faculty in question of this.
- b) If according to the committee there is nevertheless a reason to further investigate the complaint after its withdrawal, it is authorised to do so. If the committee decides that a complaint withdrawn by the complainant should nevertheless be further investigated, it

will immediately inform the respondent, the Executive Board and the dean of the faculty in question of this.

5.9 Advisory report

- a) The committee issues an advisory report after the completion of an investigation.
- b) The advisory report will contain:
 - i. a description of the complaint;
 - ii. a representation of the standpoints of the parties;
 - iii. the findings of the committee in response to the complaint and the standpoints of the parties;
 - iv. the conclusion that the committee derives from this; and
 - v. the advice to the Executive Board.

The following at a minimum will be attached as an appendix to the advisory report:

- vi. the reports of the hearings that have been held; and
 - vii. the requested reports and the documents relevant to the complaint as specified in 5.2a and b.
- c) with a view to a fair handling of the complaint, all relevant information collected by the committee will be made available to all concerned, unless the committee sees reason to deviate from this rule on the basis of compelling reasons. The reasons for not making particular information available will be stated in the advisory report.
 - d) Before it sends the advisory report to the Executive Board, the committee will present the advisory report to the complainant and the respondent. The committee will include, or mention, the comments made by the complainant and the respondent within a period specified by the committee.
 - e) The advisory report is not public.
 - f) The committee will provide an anonymised version of the advisory report, which is intended for publication, to the Executive Board.
 - g) After the completion of the procedure the Executive Board will arrange for the publication of the anonymised version of the report and the anonymised judgement of the Executive Board on the Universities of the Netherlands website.
 - h) The Executive Board can decide on a non-anonymised publication on the basis of compelling circumstances.

6. Follow-up procedure

- 6.1 The Executive Board will formulate its decision within four weeks of receiving the advice of the committee. The Executive Board will hereby in any event state the extent to which it considers the complaint well-founded.
- 6.2 The complainant, the respondent, the dean of the faculty in question and any other interested parties recognised as such by the committee will be immediately informed of the decision, as well as the definitive advisory report, in writing. The dean can decide to share anonymised information from the complaint procedure with the faculty board, insofar as

he or she considers this necessary.

- 6.3 The complainant, the respondent and any other interested parties recognised as such by the committee can request the National Board for Research Integrity (LOWI) to issue advice on the decision of the Executive Board within six weeks of the date of the notification of the Executive Board, insofar as this concerns a breach of academic integrity. On request the committee will immediately send copies of all documents concerning the complaint to the LOWI.
- 6.4 The request to the LOWI to issue advice has a suspensory effect. If the advice of the LOWI is not requested within the period stated under point 6.3, then the provisional decision of the Executive Board becomes definitive.
- 6.5 If the advice of the LOWI is requested then the Executive Board will include the advice of the LOWI in the definitive decision.

7. Protection of persons concerned

The submission of a complaint in pursuance of these regulations cannot lead to any disadvantage to the complainant, unless the complainant did not act in good faith. The whistle-blower scheme of VU Amsterdam or Amsterdam UMC applies to the complainant. This also applies to witnesses, experts, confidential counsellors and committee members. The Executive Board will ensure this to the best of its ability.

8. Involvement of the Faculty of Medicine

- 8.1 If the complainant and/or the respondent is an employee or student of the Faculty of Medicine, then where actions or decisions are assigned to the Executive Board for purposes of the application of this complaints procedure the Executive Board and the Governing Board will act collectively.
- 8.2 If a request under point 2.3 concerns Amsterdam UMC then the Governing Board can submit this to the committee independently. Prior to such a request consultations will be held between the Governing Board, the Executive Board and the Academic Integrity Committee.

9. Processing of personal data and privacy of persons concerned

The privacy statement included in appendix A is applicable to these regulations.

10. Final provisions

- 10.1 These regulations will enter into force on 20 April 2022, and replace the VU-VUmc Academic Integrity Complaints Procedure of January 2016 on this date. They are not applicable to complaints that are submitted before they have entered into force.
- 10.2 These regulations will be published on the websites of VU Amsterdam and Amsterdam UMC.
- 10.3 If Amsterdam UMC does not yet exist as an independent legal entity, then in these regulations 'Amsterdam UMC' should be read as 'VUmc'.

APPENDIX A: PRIVACY STATEMENT

If you submit a complaint or if a complaint is submitted against you, the Academic Integrity Committee will collect and process your personal data. What personal data on you will be processed and how your privacy is hereby protected are explained in this privacy statement.

If Amsterdam UMC does not yet exist as an independent legal entity, then in these regulations 'Amsterdam UMC' should be read as 'VUmc'.

1. Who is responsible for processing my personal data?

The VU Foundation - which maintains VU Amsterdam as a special institution - is responsible for the personal data that is processed in a complaints procedure in connection with a respondent who falls under the academic responsibility of VU Amsterdam.

Registered address of VU Amsterdam: De Boelelaan 1105
1081 HV Amsterdam
listed in the register of the Chamber of Commerce under
number 53815211.

2. Which categories of my personal data will be processed?

When a complaints procedure is initiated the following personal data is collected and processed.

Concerning the complainant:

- a. surname, forenames, initials, titles;
- b. address and postcode (if available);
- c. email address;
- d. data in connection with the facts that the complaint concerns.

It is possible to submit a complaint anonymously. In that case, the above personal data will be processed by the confidential counsellor for academic integrity.

Concerning the respondent:

- a. surname, forenames, initials, titles;
- b. date of birth (if relevant);
- c. address and postcode (if relevant);
- d. email address;
- e. position and field of research;
- f. data concerning the appointment, including its history where appropriate;
- g. data in connection with the facts that the complaint concerns.

It is possible that during the procedure the Academic Integrity Committee may request additional personal data of the complainant and/or the respondent, insofar as this is necessary for the drawing up of an advisory report.

3. For what purpose is my personal data processed, and on what legal basis?

The personal data of the complainant and the respondent are processed for the following purposes:

- a. the handling of the complaint by the Academic Integrity Committee, and more specifically:
 - i. the testing of the admissibility of the complaint;
 - ii. the testing of the merits of an admissible complaint; and
 - iii. the drawing up of an advisory report for the benefit of the VU Amsterdam Executive Board and - if the respondent is employed within Amsterdam UMC affiliated with VU Amsterdam - the Executive Board and the Governing Board of Amsterdam UMC collectively.
- b. the sending of information to the persons concerned;
- c. the implementation or application of legislation.

In pursuance of the Code of Good University Governance and the Netherlands Code of Conduct for Academic Integrity, VU Amsterdam must have a rigorous and fair procedure for the handling of complaints concerning academic integrity (paragraph 5.4).

VU Amsterdam processes your personal data on the basis of the principle of legitimate interest (GDPR, article 6.1 a). The necessary legitimate interest is that VU Amsterdam must have a procedure for the handling of complaints, whereby it is necessary that personal data is processed. The privacy of the persons concerned is hereby well protected, as described in this privacy statement.

4. Who has access to my personal data?

Your personal data is only examined by post-holders who by virtue of their positions have a role in the complaints procedure insofar as it is necessary that they have access to your personal data. These are:

- a. the chairperson, members, secretary and deputy secretary of the Academic Integrity Committee;
- b. the members of the Executive Board;
- c. the members of the Governing Board, if the respondent is employed within Amsterdam UMC, affiliated with VU Amsterdam;
- d. the employees who prepare the decision-making for the Executive Board, or for the Executive Board and the Governing Board collectively;
- e. the dean of the faculty with which the respondent is or has been connected;
- f. the confidential counsellors for academic integrity, insofar as these support an individual concerned.

5. Will my personal data be shared with third parties?

It is possible that the Academic Integrity Committee will engage one or more experts in the handling of a complaint. The Academic Integrity Committee will provide an external expert with all details that are relevant for the question. These details may include personal data. Confidentiality will be agreed with an external expert.

If the respondent is employed within Amsterdam UMC, affiliated with VU Amsterdam, then personal data will be shared with Amsterdam UMC. The Governing Board receives, among other things, the advisory report of the Academic Integrity Committee (see also questions 3 and 4). More information on the ways in which Amsterdam UMC processes personal data can be found on its website and in its privacy policy, which is made internally available.

VU Amsterdam has entered into a processor agreement with the suppliers of the IT systems via which personal data is processed. In this way it is ensured that your personal data is processed carefully, safely and in accordance with the General Data Protection Regulation (GDPR) and the General Data Protection Regulation (Implementation) Act. VU Amsterdam remains responsible for this processing.

6. Does automatic decision-making take place in connection with my personal data?

No automatic decision-making takes place within the complaints procedure.

7. For how long will my personal data be retained?

The entire dossier of the Academic Integrity Committee will be retained for ten years after the completion of its advisory report. This dossier includes:

- a. the decision of the Executive Board or of the Executive Board and the Governing Board collectively;
- b. the decision memorandum;
- c. the advisory report of the Academic Integrity Committee, with appendices;
- d. the correspondence carried out within the procedure;
- e. reports of hearings;
- f. the written documents that the complainant and the respondent have provided to the Academic Integrity Committee.

The retention period is equal to the retention period for the personnel file. After the expiry of this period the dossier will mainly be destroyed.

Only the decision under point a and the advisory report under point c will be anonymised and retained for an additional period of 60 years. The motive for this is reuse: it must be possible to compare cases over a long period, because these significantly differ from each other.

8. How will my personal data be secured?

VU Amsterdam takes the protection of your personal data seriously, and takes appropriate technical and organisational measures to protect your personal data against loss or any form of unlawful processing. For this purpose an authorisation policy applies, employees have a duty of confidentiality and logging and monitoring take place.

9. Who should I contact if I have questions concerning the processing of my personal data?

If you have any questions or comments concerning the way in which your personal data is processed within the complaints procedure, then you can contact the secretary of the Academic Integrity Committee.

10. How can I exercise my privacy rights?

On the basis of the General Data Protection Regulation (GDPR) you have - under certain conditions - the right:

- to inspect the personal data on you that is processed;
- to correct your personal data if it contains factual inaccuracies;
- to delete your personal data;
- to limit the processing of your personal data; and
- to object to the processing of your personal data.

If you wish to exercise your privacy rights, you can submit a request to this end to VU Amsterdam's Data Protection Officer at:

Vrije Universiteit Amsterdam
Data Protection Officer
De Boelelaan 1105
1081 HV AMSTERDAM
functioarisgegevensbescherming@vu.nl.

The Data Protection Officer will ask for a valid proof of identity to enable your request to be processed. This is to verify that the request has been submitted by the right person.

You also have the right to submit a complaint to the Dutch Data Protection Authority at any time concerning the way that your personal data is processed by VU Amsterdam. You can find more information on your rights at: [Rights of persons concerned - Dutch Data Protection Authority](#).
