

## Scientific Integrity Complaints Procedure Erasmus MC

### Preamble

At Erasmus MC, everyone involved in education and research, as well as in the care sector, is individually responsible for maintaining and safeguarding scientific integrity. The general principles of professional scientific conduct must be observed at all times. The Dutch Code of Conduct for Academic Practice has elaborated on these principles, which are also endorsed by Erasmus MC.

One of the means of safeguarding scientific integrity is the right to submit a complaint if employees, former employees and/or students of Erasmus MC have violated academic integrity, or are suspected of such violations. Of course, the Board of Directors can also decide to commission an investigation into possible violations of scientific integrity.

These regulations are based on the National Model Complaints Procedure for Scientific Integrity of the Association of Universities in the Netherlands (VSNU).

To safeguard this right to file a complaint, the Board of Directors of the Erasmus MC adopted the regulations below on January 22, 2018.

### Article 1 Definitions

1. Violation of academic integrity: acts or omissions in violation of the Dutch Code of Conduct for Academic Practice, including in any case:
  - a. Falsifying data;
  - b. Secretly discarding unwanted results;
  - c. Entering fictitious data;
  - d. Intentionally misusing statistical methods to reach conclusions other than those justified by the data;
  - e. Intentionally misinterpreting results and conclusions;
  - f. Plagiarism of the results or publications of others;
  - g. Unjustified presentation of oneself as an author or co-author or the deliberate omission of other authors;
  - h. Disregarding careful research procedures and protocols;
  - i. Theft of intellectual property.
2. Complaint: a written and well-supported report of a violation or suspected violation of scientific integrity that took place under the responsibility of Erasmus MC and was committed by an employee, former employee and/or student of Erasmus MC.
3. Complainant: the person who submits a complaint to the Committee on Scientific Integrity.
4. Complainee: the employee, former employee or student about whose behavior a complaint has been submitted.
5. Employee: the person who has (or had) an employment contract in accordance with the CAO-UMC or who has worked in some other way under the auspices Erasmus MC.
6. Student: the person who follows a course as a student in one of the Erasmus MC programs.
7. Confidential Counselor for Scientific Integrity: The person who is appointed as confidential counselor for matters relating to scientific integrity by the Board of Directors.
8. Secretary for Scientific Integrity: the employee who is responsible for the administrative support of the Confidential Counselor for Scientific Integrity and the Committees on Scientific Integrity.
9. Standing Committee on Scientific Integrity: the committee appointed by the Board of Directors to deal with complaints about violations of scientific integrity.
10. Board of Directors: the Board of Directors of Erasmus MC.
11. Executive Board: the Executive Board of Erasmus University Rotterdam.
12. Supervisory Board: the Supervisory Board of Erasmus MC.

### Article 2 Complaints

1. Everyone has the right to submit a written and supported complaint to the Board of Directors, preferably after intervention by the Confidential Counselor for Scientific Integrity.
2. The complaint must relate to the scientific activities of an employee, former employee, and/or student or former student of Erasmus MC.
3. In any case, a complaint contains:
  - a) a clear description of the alleged violation of scientific integrity by one or more employees, former employees and/or students or former students of Erasmus MC who were employed by or working under the auspices of Erasmus MC at the time of the possible violation.

- b) related documents or other evidence attached to the report that support the alleged violation of scientific integrity.
  - c) the identity and contact details of the person or persons reporting the possible violation
  - d) the identity of the person or person suspected of the violation
  - e) date of submission
- 4. If the written complaint is in a language other than Dutch, and the Board of Directors believes that a translation is required, the complainant must provide a correct translation.
- 5. If the Board of Directors is of the opinion that a written complaint or the accompanying information or documents is long or complicated, then the complainant must also provide an accurate summary.
- 6. Employees are obliged to provide their full cooperation, within the prescribed period and within the boundaries of the law, with any reasonable requests made by the Confidential Counselor for Scientific Integrity and the Committee for Scientific Integrity to the extent they are authorized to make such requests.
- 7. Anyone who is involved in assessing a complaint is obliged to confidentiality about what has become known to him/her during the procedure.

### **Article 3 Confidential Counselor for Scientific Integrity**

#### **3.1 Appointment**

- a) The Board of Directors appoints one Confidential Counselor for Scientific Integrity for a term of four years. Reappointment for a second consecutive term of four years is possible.
- b) Appointees must meet the following requirements:
  - a professorship (or emeritus professorship) at Erasmus MC with extensive experience in scientific research and education, including expertise in research involving human subjects preferably acquired at one or more Dutch universities or UMCs;
  - an impeccable scientific reputation;
  - an accessible and approachable attitude;
  - an ability to deal with conflicting interests and personal conflicts.
- c) The Board of Directors can terminate the appointment before the official term has expired under the following circumstances:
  - if this termination is requested by the Confidential Counselor for Scientific Integrity;
  - if the requirements for the appointment are no longer met;
  - if inadequate performance as Confidential Counselor for Scientific Integrity has been determined by the Board of Directors.
- d) The following individuals are not eligible for appointment as Confidential Counselor: members/former members of the Board of Directors, members of the Standing Committee on Scientific Integrity, members of the Supervisory Board and Deans.
- e) The Confidential Counselor for Scientific Integrity is administratively supported by the Secretary for Scientific Integrity.
- f) The Board of Directors may appoint one or more deputy Confidential Counselors for Scientific Integrity. Parts a) through e) apply accordingly to the appointment of the deputy Counselor.

#### **3.2 Duties**

The Confidential Counselor for Scientific Integrity

- a) acts as a contact person for questions and concerns about scientific integrity and gives advice where necessary.
- b) determines whether personal involvement impedes objective and independent assessment of the situation for each question or expressed concern.
- c) tries to mediate or to resolve the concerns amicably in another way if this appears to be possible.
- d) informs individuals who contact him/her to ask questions and/or express concerns related to scientific integrity about the possibility and procedure for submitting a complaint to the Committee on Scientific Integrity.

#### **3.3 Accountability**

- a) If necessary the Confidential Counselor for Scientific Integrity has direct contact with the Board of Directors, to which he/she also reports annually on his/her activities.
- b) The Confidential Counselor for Scientific Integrity is obliged to observe confidentiality regarding that which has become known to him/her in that capacity, unless he/she believes there is an important

Erasmus MC interest, such as, but not limited to, patient safety and the reputation of Erasmus MC, about which he/she believes the Board of Directors must be informed.

## **Article 4 Committee on Scientific Integrity**

### **4.1 Appointment and composition**

- a) The Board of Directors appoints a Standing Committee on Scientific Integrity.
- b) The Standing Committee on Scientific Integrity consists of the chairperson and one permanent member.
- c) The chairperson is a professor (or emeritus professor) at Erasmus University Rotterdam with extensive experience in scientific research and education. The chairperson is appointed by the Executive Board for a term of four years. Reappointment for a second consecutive term of four years is possible.
- d) The permanent member is a qualified lawyer from the legal department of Erasmus MC and is appointed by the Board of Directors for a term of four years. Reappointment for a second consecutive term of four years is possible.
- e) The Board of Directors appoints at least one additional member with specific knowledge and experience relevant to the complaint that is being investigated. This appointment is made when the Board of Directors declares a complaint admissible.
- f) The Committee on Scientific Integrity is administratively supported by the Secretary for Scientific Integrity.
- g) The Executive Board may appoint one or more deputy chairpersons. Parts a) through f) apply accordingly to the appointment of the deputy chairpersons.

### **4.2 Duties of the (Standing) Committee on Scientific Integrity**

- a) During each investigation, the members of the (Standing) Committee on Scientific Integrity determine whether personal involvement impedes objective and independent investigation.
- b) The Standing Committee on Scientific Integrity advises the Board of Directors about the admissibility of the complaints.
- c) The Committee on Scientific Integrity performs investigations based in part on reading documents and conducting an adversarial procedure in accordance with its remit.
- d) The Committee on Scientific Integrity reports to the Board of Directors.

### **4.3 Procedure of the Standing Committee on Scientific Integrity with regard to the admissibility of the complaint**

- a) The Standing Committee on Scientific Integrity can offer a complainant the opportunity to supplement the complaint within a term set by the Committee.
- b) The Standing Committee on Scientific Integrity can invite a complainant for an interview to provide a further explanation of the complaint.
- c) The Standing Committee on Scientific Integrity can request additional information or advice.
- d) The Standing Committee on Scientific Integrity is authorized to advise the Board of Directors on the admissibility of all complaints, based on the following criteria:
  - The provisions in Article 2.
  - There is reasonable suspicion of a violation of scientific integrity as referred to in Article 1.1.
- e) De Standing Committee on Scientific Integrity advises the Board of Directors that a complaint is inadmissible if:
  - the alleged violation took place more than five years ago, unless there are circumstances in which the application of the five year limitation is unacceptable due to standards of reasonableness and fairness.
  - the Committee believes that the complainant waited for an unreasonably long time to submit the complaint;
  - the complaint has been previously investigated or the Committee believes it is manifestly unfounded or is of insufficient importance and there are no new facts.
  - the complaint does not fall under the definition of scientific integrity in accordance with Article 1.1.
  - the Committee believes there is insufficient evidence to support the alleged violation.
  - the Committee believes the complaint is based on a professional disagreement.
- f) The Standing Committee on Scientific Integrity advises the Board of Directors on the admissibility of the complaint within six weeks after receiving the complaint.

- g) If the Standing Committee on Scientific Integrity advises the Board of Directors to declare the complaint admissible, it will attach a draft remit to the advisory report, including a proposal for additional members of the Committee.
- h) The Board of Directors decides on the admissibility of complaints and informs the complainant about this.
- i) If the Board of Directors decides that the complaint is admissible, it prepares a remit.

#### **4.4 Anonymous complaints and assessing complaints at the request of the Board of Directors**

- a) In exceptional cases, the Standing Committee on Scientific Integrity may advise the Board of Directors to declare anonymous complaints admissible if it believes the complaints are sufficiently grounded and contain concrete and objectifiable indications to enable a meaningful investigation.
- b) The Standing Committee on Academic Integrity also accepts requests for further investigation of possible violations of academic integrity without prior submission of a formal complaint if such requests are from the Board of Directors.
- c) These complaint regulations apply correspondingly the case of a) and b), albeit without a complainant.

#### **4.5 Substantive assessment of a complaint**

- a) The Board of Directors informs the complainant, the complainee and his/her department head about the substantive assessment of the complaint and the composition of the Committee on Scientific Integrity.
- b) The Board of Directors informs the Executive Board about the start of the substantive assessment of complaints and about the results of the investigations.
- c) The Committee on Scientific Integrity is authorized to obtain information from all employees and bodies of Erasmus MC. It may request access to all documentation and correspondence that it considers relevant for the assessment of the complaint, in compliance with legislation and regulations.
- d) At its discretion, the Committee on Scientific Integrity may provide a hearing for the stakeholders, witnesses and experts that it believes are relevant to the complaint. To assist with preparing a report intended exclusively for the Committee on Scientific Integrity, transcripts of the hearing are prepared by the Secretary for Scientific Integrity. These transcripts are therefore not part of the final report.
- e) During the hearing, the complainant and the complainee can be represented or assisted by a person of his/her choice. The Committee on Scientific Integrity decides whether to interview one or more individuals in person.
- f) The interview/hearing takes place separately and preferably in person. The Committee on Scientific Integrity may decide that the complainant and the complainee are heard in each other's presence.
- g) Within a term of twelve weeks after the start of the substantive assessment of the complaint, the Committee on Scientific Integrity will issue an advisory report to the Board of Directors about the merits of the complaint, the measures to be taken and its recommendations.
- h) If necessary to ensure the quality and/or completeness of the investigation, the Committee on Scientific Integrity may request the Board of Directors to extend this term. The complainant and complainee will be notified about any extension of the term.
- i) The complainant can withdraw the complaint at any time during the substantive assessment. After the withdrawal of the complaint, the Committee on Scientific Integrity decides whether or not to terminate its assessment activities as follows:
  - I. If the Committee on Scientific Integrity is of the opinion that a withdrawn complaint cannot be investigated further, it shall inform the Board of Directors of this without delay.
  - II. If the Committee on Scientific Integrity believes there is still reason and possibility to continue investigating the complaint after it has been withdrawn, then it is authorized to do so.
  - III. If the Committee on Scientific Integrity decides to continue investigating a complaint that has been withdrawn by the complainant, it shall inform the Board of Directors of this without delay. In that case, the initial complainant will no longer be regarded as a complainant.
- j) The sessions of the Committee on Scientific Integrity are closed to the public.
- k) The Committee on Scientific Integrity submits its draft advisory report to the complainant and the complainee for comment.

#### **4.6 Accountability**

- a) The (Standing) Committee on Scientific Integrity accounts for its activities to the Board of Directors by means of a report.
- b) The members of the (Standing) Committee on Scientific Integrity and the interviewed stakeholders, witnesses and experts observe confidentiality about what has become known to them in this capacity.

#### **Article 5 Follow-up procedure**

1. The Board of Directors will make its decision within four weeks of receipt of the report including any responses from the complainant and the complainee.
2. The Board of Directors informs the complainant and the complainee about its decision in writing.
3. Within six weeks of receipt of the decision, the complainant and the complainee can request the Netherlands Board on Research Integrity (LOWI) to issue an opinion on the decision of the Board of Directors, insofar as this concerns the breach of scientific integrity. On request, the Committee on Scientific Integrity immediately sends copies of all documents relating to the report to the LOWI.
4. If the opinion of the LOWI has been requested, the Board of Directors uses this opinion as part of a possible reconsideration.

#### **Article 6 Protection of persons concerned**

1. The Board of Directors makes every effort to ensure that the identity of the complainant is only known to the (Standing) Committee on Scientific Integrity and the Board of Directors.
2. A complainant who has submitted a complaint with due observance of the provisions in this regulation shall in no way be prejudiced or favored in his position (legal or otherwise) at Erasmus MC for submitting a complaint.
3. An intended dismissal of a complainant within five years after a complaint will be reviewed according to the provisions of the second clause by the Board of Directors. If the dismissal relates to a member of the Board of Directors, the intended dismissal will be reviewed by the Supervisory Board.
4. The first and second clauses do not apply if, in the opinion of the Board of Directors, a complainant did not act in good faith and/or intended to benefit personally from the complaint.
5. Moreover, persons who have played a role in the substantive assessment of the complaint may in no way be prejudiced or benefitted in their position (legal or otherwise) within Erasmus MC as a result of the complaint.

#### **Article 7 Other provisions**

1. Insofar as a situation arises for which the procedure of the (Standing) Committee on Scientific Integrity has not been laid down in this or in additional regulations, this is determined by the chairperson.
2. In other situations not covered by these regulations, the Board of Directors decides.
3. If the complaint relates to a member of the Board of Directors, the Supervisory Board decides on how such a complaint will be assessed, with due observance of these regulations.

#### **Article 8 Final provisions**

1. This regulation takes effect on March 1<sup>st</sup> 2018 and replaces all previous Erasmus MC regulations concerning complaints about scientific integrity and applies to complaints made after this date.
2. The official name of these regulations is the Scientific Integrity Complaints Procedure Erasmus MC.
3. These regulations are published on the Erasmus MC website. These regulations and their publication on the website will be announced via the Erasmus MC communication channels for research.
4. Of the complaints that have been assessed since 2014 by a Committee on Scientific Integrity, the recommendations of the Committee and the opinion of the Board of Directors are published in anonymized form on the website of the VSNU after completion of the procedure.
5. In case of conflict between the Dutch and English text of the regulations, the Dutch text prevails.