

RESEARCH INTEGRITY REGULATIONS

THE HAGUE UNIVERSITY OF APPLIED SCIENCES

VERSION
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UNIVERSITY OF
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PREAMBULE

The Executive Board of The Hague University of Applied Sciences (THUAS) considers it important that any breaches of research integrity within the organisation can be raised without fear of repercussions. For this reason, the Research Integrity Regulations have been drawn up. This is also a requirement under the Netherlands Code of Conduct for Research Integrity (2018).

A staff member or student who suspects that research integrity has been breached can submit a complaint about this to the Confidential Advisor for Research Integrity (RI Confidential Advisor) or to the Research Integrity Committee (RI Committee). They will ensure that the complaint goes through a fair procedure and will take a decision. On the one hand, the purpose of these regulations is to offer legal protection to staff members and students involved. On the other hand, the regulations enable THUAS to seriously investigate any potential breach of research integrity within the organisation.

Alongside the Research Integrity Complaints Procedure, THUAS has a whistle-blower scheme which enables any misconduct within the organisation to be safely addressed. THUAS also has a Staff Ombudsman. The Staff Ombudsman can check whether regulations have been correctly applied, whether procedures have been followed, and whether those involved have acted with care. The exact duties of the Ombudsman are described in the Ombudsman Regulations.

THUAS also has a Complaints Procedure for inappropriate behaviour. This complaints procedure concerns inappropriate behaviour in the form of (sexual) intimidation, aggression, violence, bullying and discrimination. Addressing inappropriate behaviour is always the right thing to do, either by addressing the person concerned, or by involving a third party, such as the confidential advisor.

You can discuss a problem or impending problem of this nature confidentially with the confidential advisor. The exact duties of the confidential advisor are set out in the Complaints Procedure for Inappropriate Behaviour.

SECTION 1

General Provisions

Article 1. Definitions

1. The following terms are used in these regulations:
 - a. Accused: the staff member for whose behaviour a complaint has been submitted. If the complaint concerns a group of researchers, this will refer to the researcher or person who represents the group.
 - b. Code: the Netherlands Code of Conduct for Research Integrity;
 - c. The Executive Board: the Executive Board of The Hague University of Applied Sciences;
 - d. RI Committee: the Research Integrity Committee appointed by the Executive Board that has the duty of handling complaints concerning a breach or supposed breach of research integrity;
 - e. Ethics Advisory Committee: this committee tests research proposals for criteria of ethically responsible research conduct.¹
 - f. University of Applied Sciences: The Hague University of Applied Sciences;
 - g. Complaint: a written or electronic notification regarding a breach or supposed breach of research integrity. The recipient is able to identify the submitter;
 - h. Complainant: the person who approaches the RI Committee or the RI Confidential Advisor with a complaint, whether via the Executive Board or otherwise;
 - i. Staff member: the person who is or who has been in the employment of the University of Applied Sciences under the collective labour agreement for universities of applied sciences, or who is or has been otherwise under the responsibility of the University of Applied Sciences;
 - j. Breach of research integrity: an action or behaviour referred to in the Code;
 - k. Student: a student who is enrolled as such at THUAS;
 - l. RI Confidential advisor: the person who the Executive Board has appointed to handle complaints concerning a breach or supposed breach of research integrity.

1 This committee is yet to be formed

Article 2. Appointment, duties and accountability of the RI Confidential Advisor

1. The Executive Board appoints a RI Confidential Advisor within the context of these regulations for a period of three years. The RI Confidential Advisor may be reappointed for a consecutive period of up to nine years.
2. The RI Confidential Advisor:
 - a. is a professor (fellow) or emeritus professor with extensive experience in research and education, preferably gained at one or more universities of applied sciences or research universities in the Netherlands;
 - b. has an impeccable reputation for education and/or research;
 - c. has experience of and/or has advised on discrepancies and conflicts;
 - d. does not work at THUAS.
3. The post of RI Confidential Advisor will end:
 - a. at the end of the term of appointment;
 - b. at the request of the person in question;
 - c. if the RI Confidential Advisor fails to meet, or no longer meets the requirements for appointment;
 - d. as a result of removal from the post by the Executive Board due to unsatisfactory performance.
4. The RI Confidential Advisor has the following duties:
 - a. Acts as a point of contact for questions and complaints about research integrity and potential breaches of research integrity;
 - b. Exploring the possibilities for an amicable solution to the complaint, and mediation where necessary;
 - c. Providing information and advice to the Complainant about the procedure for submitting the complaint to the RI Committee.

Article 3. Performance of the RI Confidential Advisor

1. The RI Confidential Advisor is solely answerable to the Executive Board for the performance of his duties.
2. The RI Confidential Advisor has a duty of confidentiality concerning facts that have come to his knowledge which may harm the privacy of the Complainant. Exceptions to this rule will require the Complainant's express consent.
3. The Confidential Advisor for Research Integrity can rely on a right of non-disclosure at internal level, which means that they may invoke this right in relation to any person within the organisation.
4. The RI Confidential Advisor reports annually to the Executive Board before 1 April on the number and nature of notifications received, the manner in which the notifications were handled and on the results.
5. The provisions of Paragraph 2 do not apply if statutory provisions provide otherwise.
6. The Confidential Advisor for Research Integrity will compile a dossier for each report he/she handles, and the dossier will not be accessible to third parties. The RI Confidential Advisor will only share information in this dossier that was provided in confidence with the consent of the person(s) involved. The dossiers will be destroyed after five years.

SECTION 2

Article 4. Notification and procedure

1. Any person who suspects a breach of research integrity may report this to the RI Confidential Advisor. Any person who wishes to submit a complaint about a breach of research integrity may submit this complaint to the RI Committee, whether via the RI Confidential Advisor, Executive Board or otherwise.
2. If the complaint concerns a member of the Executive Board, the complaint shall be submitted to the RI Committee via the RI Confidential Advisor or the Board of Trustees. In this case, the RI Committee will deliver its opinion to the Board of Trustees as set out in Article 10. The Board of Trustees exercises its powers as set out in Article 11.
3. All persons are under the obligation to provide their full cooperation to the RI Confidential Advisor and the RI Committee within the period provided for, which in the opinion of the RI Commission or the RI Confidential Advisor is reasonably required.
4. All persons who are involved with the handling of a complaint must treat everything that comes to his or her knowledge during the complaints procedure as confidential.

SECTION 3

Article 5. The Research Integrity Committee

1. The remit of the RI Committee is to investigate a complaint regarding a breach of research integrity and to issue its opinion to the Executive Board. Furthermore, after hearing the RI Confidential Advisor and the Ethics Advisory Committee, the RI Committee advises the Executive Board, when requested and when not requested, on the prevention policy on research integrity at the University of Applied Sciences.
2. The RI Committee notifies the Executive Board of the fact that a complaint has been submitted.

Article 6. Composition of the Committee

1. The RI Committee consists of at least three members: the chair and two members and two deputy members.
2. The Executive Board has attached an official secretary to the RI Committee; this post will be occupied by a legal advisor to the Office of the Board.
3. The Executive Board appoints the members of the RI Committee for a period of three years. The members can be reappointed immediately and can be a member of the RI Committee for a consecutive period of up to nine years.
4. The members of the RI Committee can be employees of THUAS.
5. When composing the RI Committee, a representative distribution of the areas of knowledge within the university of applied sciences will be sought. The following requirements apply for the appointment:
 - a. the candidate is a professor (fellow) or emeritus professor with extensive experience in research and education, preferably gained at one or more universities of applied sciences or research universities in the Netherlands;
 - b. the candidate has an impeccable reputation for education and/or research;

6. The following persons may not be appointed as members of the RI Committee:
 - a. A member of the Executive Board;
 - b. A member of the Board of Trustees;
 - c. A Dean of Faculty;
 - d. The RI Confidential Advisor;
 - e. The Ombudsman;
 - f. The Data Protection Officer;
 - g. A member of the Ethics Advisory Committee.

7. The Executive Board will terminate the appointment early:
 - a. at the request of a member of the RI Committee;
 - b. if the chair or the member no longer meets the requirements for appointment;
 - c. as a result of removal from the post by the Executive Board due to unsatisfactory performance.

8. Where necessary, the RI Committee may consult (external) experts or request such experts to perform an investigation.

Article 7. Powers of the RI Committee

1. The Committee has the power to obtain information from all staff members and bodies of the university of applied sciences. It may request to inspect, take possession of, copy or have placed under seal all documents and correspondence which it deems important for the investigation and for evaluating the complaint.

2. The RI Committee can consult experts, whether associated with THUAS or otherwise. The RI Committee will prepare an official report of the consultation.

3. The RI Committee can consult or hear witnesses. A report will be prepared on the hearing or consultation of the witnesses respectively, which the RI Committee will use for its opinion.

4. The RI Committee compiles a dossier for each report it handles. It will only share information in this dossier that was provided in confidence with the consent of the persons involved.

Article 8. Inadmissibility

1. The RI Committee will declare the complaint inadmissible if:
 - a. the description of the breach or supposed breach of research integrity by one or more particular staff members of the university of applied sciences is unclear;
 - b. the written documents or other evidentiary materials related to the breach are missing;
 - c. the name, position and contact details of the Complainant are not stated, unless Article 15, Paragraph 2 applies or the RI Committee relies on its powers under Subsection d.
 - d. The RI Committee may, whether it hears the RI Confidential Advisor or otherwise, investigate a complaint without knowing the identity of the Complainant.
 - e. The RI Committee is entitled to not handle a complaint if it deems the breach to have occurred too far in the past, if the breach has been previously investigated, or if it deems the complaint to be manifestly unfounded or of insufficient importance.
2. The RI Committee may offer the Complainant the opportunity to submit the complaint within a period of his/her choosing.
3. The RI Committee will evaluate the admissibility of the complaint within three weeks of receipt of the complaint. If it concludes that the complaint is inadmissible, it will issue advice on this matter to the Executive Board.

Article 9. Procedure following admissibility

1. If the RI Committee deems the complaint to be admissible, it will proceed to handle the substance of the complaint. The complaint will be handled within the framework of the Code and using the following criteria:
 - a. The RI Committee hears the parties concerned. It prepares an official report from the hearing that will be attached as an annex to the opinion of the RI Committee. During the hearing by the RI Committee, the principle of hearing both sides of the argument will apply.
 - b. The parties concerned will be heard, in principle, in each others' presence, unless the RI Committee deems that there are compelling reasons to hear the parties concerned separately.
 - c. The RI Committee may consult witnesses or experts.
 - d. The RI Committee provides the parties concerned with all of the information relevant to the handling of the complaint that it possesses and which the parties will be provided with during the procedure,
 - e. The parties concerned may be assisted during the procedure.
2. The hearings of the RI Committee are not open to the public.

Article 10. Opinion of the RI Committee

1. The RI Committee will issue its opinion regarding the justification of the complaint to the Executive Board within twelve weeks. The RI Committee may extend this period by up to twelve weeks for substantiated reasons. The RI Committee will inform the parties concerned of the extension of the period in writing.
2. If the RI Committee has determined that a (intentionally) fraudulent complaint has been submitted, the WI Committee will advise the Executive Board to declare the complaint unfounded. The Executive Board may take disciplinary measures against the complainant. In that case, the complainant cannot invoke the provisions of the article. In the event of a fraudulent complaint, the accused will be vindicated.

Article 11. Decision of the Executive Board

1. The Executive Board will take a decision within four weeks from receipt of the opinion of the RI Committee as stated in Articles 8 and 10, and it will immediately notify the Complainant and the Accused in writing about this decision. A copy of the opinion of the RI Committee will also be sent as an annex to the decision.

Article 12. Annual Report

1. The RI Committee prepares an annual report each year before 1 April.
2. This report contains the following information, in anonymised form and with due observance of the regulations applicable in this respect:
 - a. the number and the nature of the complaints of a breach of research integrity;
 - b. the number of complaints that did not lead to an investigation;
 - c. the number of investigations undertaken that were performed by the RI Committee; and
 - d. the number of opinions and the nature of the opinions issued by the RI Committee.
3. The RI Committee will send the annual report to the Executive Board. The Executive Board will send the annual report to the Board of Trustees and to the General Council.

SECTION 4

Article 13. Second opinion

1. The Complainant and the Accused may request a second opinion about the initial opinion within six weeks of receipt of the opinion from [body to be determined]², insofar as it concerns a breach of research integrity. The Committee/Officer will immediately make a copy of all documents related to the complaint available to [body to be determined]. A period of six weeks applies to the issue of the second opinion.
2. If the opinion has not been requested from [body to be determined] within the first period referred to under Paragraph 1, the Executive Board will issue its opinion on the complaint.
3. If the opinion is requested from [body to be determined], the Executive Board will involve the opinion of [body to be determined] in the final opinion and in the decision to be taken on those grounds.

2 For a second opinion, we may join with LOWI (Netherlands Board on Research Integrity, where the universities request a second opinion) or independently or jointly indicate and/or establish a body with one or more other universities of applied sciences for conducting the second opinion.

SECTION 5

Article 14. Protection of the Complainant and other persons involved against repercussions

1. The Complainant who reports a breach of research integrity will have no repercussions of any kind in terms of his/her legal or other position within THUAS if this report was made in good faith and in a proper fashion, and provided that he/she derives no personal advantage from that abuse or from reporting it.
2. The Executive Board will ensure to the best of its ability that the Complainant is not disadvantaged in other ways either in performing his/her duties or following his/her degree programme on account of a report made in good faith and in a proper fashion.
3. In addition, the Executive Board will ensure to the best of its ability that persons involved in the handling of a report of a breach of research integrity, including the RI Confidential Advisor, are not disadvantaged in any way in their legal position or otherwise in performing their duties/ following their degree programme because they made statements or carried out tasks described in these regulations in good faith.
4. If a decision is taken to dismiss a Complainant or to not promote a Complainant to a higher position or salary scale, the Executive Board will have to explain why this decision is not related to the report made in good faith. This protection will apply in any case for a period of three years after the handling of the report in the manner referred to in Articles 8 and 11.
5. The Executive Board ensures that for as long as a complaint has not been declared justified, the Accused is neither directly nor indirectly harmed by a complaint that has been filed in terms of carrying out their role or in terms of their career, or, in so far as students are concerned, in the course of their studies.

Article 15. Confidential treatment of the report and the identity of the reporter

1. All persons involved in the handling of a report of breach of research integrity will not disclose the complainant's identity without the Complainant's express consent and will treat the information about the report confidentially.
2. If a breach of research integrity has been reported via the RI Confidential Advisor and the Complainant has not consented to the disclosure of his/her identity, all correspondence about the report will be sent to the RI Confidential Advisor, who will immediately forward this correspondence to the Complainant.
3. The Executive Board will ensure that the information about the report is stored in such a way that it is only accessible, both physically and digitally, to the persons who are necessarily involved in the handling of the report.

SECTION 6

Article 16. Entry into force

These regulations take effect on 1 January 2020.

Article 17. Reference title

These regulations may be cited as the Research Integrity Regulations of The Hague University of Applied Sciences.

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The Hague University of Applied Sciences



thehagueuniversity.com



info@hhs.nl



+31 70 445 00 00



Johanna Westerdijkplein 75
2521 EN The Hague, The Netherlands

