



Regulation on Academic Integrity

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Introduction

Dutch universities follow The Netherlands Code of Conduct for Scientific Practice (Association of Universities in the Netherlands (VSNU) - 2004 adapted in 2014) as an acknowledged starting point for good academic practice, scientific and scholarly teaching and research. The code provides an elaboration of principles, such as

- honesty and scrupulousness;
- reliability;
- verifiability;
- impartiality;
- independence;
- responsibility.

Within IHE Delft the responsibility for respecting and maintaining the code lies with all those involved in education, research and capacity development. The above mentioned general principles of professional academic conduct are also followed by IHE Delft and serve as a guideline for academic integrity as intended by Article 1.7 of the Higher Education and Research Act (WHW). To this end, the code must be observed at all times and any suspicion about a possible violation of academic integrity needs to be addressed when necessary by academic staff and/or students.

This regulation has been written in accordance with the VSNU's national template "Regulation on complaints regarding academic integrity" (Landelijk Model Klachtenregeling Wetenschappelijke Integriteit).

One of the means available to test academic integrity is the right to complain if a member of the university staff violates, or is suspected to be violating, principles of academic integrity. To implement this right of complaint, the Rectorate has adopted the following regulation with the consent of the Works Council (WoC). Also, the Rectorate has appointed a confidentiality counsellor; he/she can provide assistance and guidance in case breaches of academic integrity occur.

Signed on behalf of IHE Delft:



Prof. Dr Ir. E.J. Moors

Rector IHE Delft Institute for Water Education

Place: Delft, The Netherlands

Date: 23-01-2018

Art. 1 Definitions

In this regulation, the following definitions apply:

- a. **Breaches of Academic Integrity:** Acts or omissions in violation of the Netherlands Code of Conduct for Scientific Practice, and those as set out in Appendix I of this document;
- b. **IHE Delft:** IHE Delft Institute for Water Education;
- c. **Employee:** a person who is working for or at IHE Delft on the basis of an employment contract with IHE Delft;
- d. **Course participant:** a student registered in the central student administration system at IHE Delft;
- e. **Supervisor:** the immediate manager or (academic) supervisor of an employee, course participant or visitor;
- f. **Complaint:** a reported case of a (suspected) breach of the academic integrity committed by an employee, course participant or visitor, lodged with the Complaints Committee;
- g. **Complainant:** the employee, course participant or visitor, who files a complaint with the Complaints Committee under this Regulation;
- h. **Defendant:** the employee, course participant or visitor in respect of whose conduct a complaint has been submitted;
- i. **Visitor:** any person who can be classed as a guest lecturer, consultant, contractor, trainee/intern, volunteer, student worker, temporary worker or former employee and in such a capacity is using the facilities of IHE Delft;
- j. **Confidentiality Counsellor:** the person who has been appointed as (internal or external) Confidentiality Counsellor by the Rectorate in consultation with the Works Council (WoC);
- k. **Complaints Committee:** Complaints Committee to review and handle complaints with respect to violation(s) of academic integrity, also referred to as 'the Committee', established by the Rectorate (Managing Board) referred to in article 5 in these Regulations;
- l. **Governing Board:** the Board is responsible for safeguarding the continuity of IHE Delft's operations by providing funds and resources. The minimum of members of the Governing Board is three and the maximum is seven. The Dutch Ministry of Education, Culture and Science approves the nomination of a candidate for the role of a Chairman of the Governing Board;
- m. **Rectorate (or Managing Board):** the Rectorate of IHE Delft consist of three members, namely a Rector, Vice-Rector and Business Director who are responsible for the strategy, i.e. strategy implementation and execution, and daily operations of the Institute.

Complaints Procedure

Art. 2 General

Every person is entitled to file a complaint with the Complaints Committee on Academic Integrity. Where a complaint has been lodged with the Rectorate or the Confidentiality Counsellor, the complaint will need to be sent to the Committee imminently.

If the Complainant contacts the Confidentiality Counsellor first, the latter will act as a low-threshold point of contact for any questions and complaints about academic integrity and will provide the Complainant with pointers regarding submitting a complaint with the Committee.

If the complaint concerns a member of the Rectorate, the complaint should be submitted with the Committee, whether or not it be through the Governing Board or the Confidentiality Counsellor. In such a case, the Committee shall report to the Governing Board, who shall exercise the powers as set out in article 5.

Everyone is obliged, within the reasonable period stipulated, to render every assistance to the Committee they may reasonably request in the exercise of their powers.

Any person involved in handling a complaint shall be bound to confidentiality in respect of the information he/she has become aware of during the complaint procedure.

Art. 3 Confidentiality Counsellor

In principle, the confidentiality counsellor is available to any employee at IHE Delft who suspects abuses and breaches of academic integrity. The confidentiality counsellor acts as a point of contact for questions and complaints about academic integrity. In the event of a complaint, the confidentiality counsellor may explain to the complainant how to file a complaint with the Complaints Committee. The confidentiality counsellor will only act on behalf of the complainant or the defendant with their consent. The confidentiality counsellor will never act on behalf of the complainant and the defendant at the same time. The confidentiality counsellor is never a member of the complaints committee. IHE Delft has appointed an external, independent, confidentiality counsellor. Appointments can take place outside IHE Delft.

Art. 4 The Complaints Committee

The Rectorate establishes a Complaints Committee concerning Academic Integrity matters in line with the general Code of Conduct for IHE Delft. At the end of each year, the Rectorate will evaluate whether the Committee meets IHE Delft's requirements in the long term.

1. The Committee consists of preferably three members and there are also ideally three substitute members as back-up, including one chairperson, a legal specialist or lawyer and one member with relevant expertise in the field of Academic Integrity. Members of the Complaints Committee are external, do not have a work history with IHE Delft as an employee, whereas the aim is to include both men and women;
 1. The members are appointed by the Rectorate. Appointment is for a period of at least one year. At the end of this period, the members are eligible for reappointment immediately. They can be reappointed an indefinite number of times;
 2. If required, the Committee is supported by an administrative secretary, appointed by the Rectorate;

3. The members of the Committee must be impartial, may have no personal interest in the handling of the complaint and may not be involved in the complaint;
4. Members of the Complaints Committee have the right to decline handling a case;
5. The members of the Committee, the administrative secretary of the Committee and all those involved in the treatment of the complaint are bound to confidentiality on all matters that come to their notice relating to or in connection with the complaint;
6. The Committee registers the number and nature of the complaints received and/or incidents that have been investigated and submits an anonymised annual report on these to the Rectorate.

Art. 5 Duties, responsibilities en powers

The Complaints Committee shall investigate any claims concerning Breaches of Academic Integrity and submit a recommendation on this to the Rectorate. Insofar as a (complete) procedure of the Committee has not been set out in this regulation or in any further regulation, the procedure shall be determined by the Chair of the Committee.

The Committee is authorized to obtain information from all employees, course participants, and visitors of the Institute. It may require inspection of all documentation and correspondence it considers relevant for the assessment of the complaint. A report must be made of each consultation.

To review a complaint, the Chair shall always involve at least one other member of the Committee, who, together with the Chair will review the complaint. In addition, the Committee may consult experts, whether or not affiliated with IHE Delft. Also, experts that have been consulted shall be bound to confidentiality with respect to what they have become aware of in their capacity as consulted expert.

Members of the Committee who are involved in any way with the persons or the facts to which the claim relates, shall not be eligible for reviewing the complaint.

Art. 6 Submitting a complaint

1. The complainant submits a written complaint to the Committee preferably in the English or otherwise Dutch language;
2. The complaint is sent in an envelope addressed to the Committee and marked 'Private and confidential';
3. Once a complaint has been received, the Committee will confirm receipt in writing to the complainant – see article 8.

Art. 7 Admissibility

1. The Committee shall assess the admissibility of the complaint on the basis of the following criteria:
 - a. A clear description of the (suspected) breach of academic integrity;
 - b. The related written documents or other evidence;
 - c. Statement of name, position and contact details of the Complainant and statement of name and position of the Defendant(s);
 - d. The Committee may also investigate a complaint without knowing the identity of the Complainant.
2. The Committee is authorized to decide not to review a complaint if it deems that the breach of academic integrity has occurred too long ago and therefore it is no longer possible to conduct a proper investigation of all the facts, or if the complaint has been previously investigated or, it believes it has manifestly been declared unfounded or manifestly been declared to be of minor significance.

3. The Committee may give the Complainant the opportunity to supplement the complaint within the term it has stipulated.

Art. 8 The Complaint Procedure

Following the receipt of the complaint, the Committee notifies in writing the Complainant, the Defendant and the Rectorate within ten working days stating that the complaint will be investigated and informs the parties involved on the procedure to be followed and the contents of the complaint.

The Committee shall decide on the admissibility within three weeks after receiving the complaint. If it concludes that the complaint is inadmissible, it shall immediately report this to the Rectorate.

If the Committee considers the complaint admissible, it shall proceed with reviewing the details. The Committee shall hear the parties, the Complainant, Defendant(s) and possible witnesses involved in the claim that it considers eligible. A report must be made of each hearing.

A written report is drafted of the hearing, reflecting a succinct representation of statements. The report will be sent to the parties that were heard and must be signed by them. In its report of findings the Committee processes or sets out any remarks with respect to the report as these were made by the parties that were heard, within a period of time set by the Committee. If any of the parties refuses to sign, the report will refer to this stating the reasons.

The Complainant and the Defendant may be assisted at the hearing, however, they may not be represented. During the hearing the Complainant and the Defendant may receive legal advice. Should there be any costs involved, these costs shall be for the account of Complainant and Defendant, within reason and unless decided otherwise, e.g. if it is decided that no sufficient grounds exist to proceed with a charge for a breach of Academic Integrity.

Parties are heard separately and in person. The Committee may decide that the Complainant and the Defendant will be heard in each other's presence.

If parties are heard separately, the Committee will inform the Complainant and the Defendant about any hearings that took place by sending them the written report of the proceedings.

The Committee shall inform the Complainant and the Defendant of its proposed conclusion about the complaint and shall give them the opportunity to respond for a period of ten work days. At the request of the Complainant and Defendant, they may inspect the documents.

Within twelve weeks after receiving the complaint, the Committee shall submit a recommendation to the Rectorate regarding the validity of the complaint.

The hearings of the Committee are not open to the public.

Art. 9 Withdrawal of a complaint

The Complainant may at any time during the investigation withdraw the complaint by sending the Committee a written statement to that effect.

The Committee will promptly inform the Rectorate and the defendant. Should the Committee still see

cause to investigate the complaint after it has been withdrawn, it will be entitled to do so.

If the Committee decides not to investigate the complaint withdrawn by the complainant, it will promptly notify the defendant and the Rectorate of its decision.

Art. 10 Report of findings and recommendations

After the investigation of the complaint has been completed, the Committee will report within a period of six weeks its findings and recommendations to the Rectorate for its consideration (and subsequent decision).

The above mentioned period can be renewed twice by consecutive six-week- periods; if the Committee decides to do so, it will inform the complainant, the defendant and the Rectorate of its decision, stating their reasons.

The report of findings should include at least:

1. The reports of hearings held and any other document relevant for the complaint ;
2. A representation of the conclusions arrived at;
3. An advice including the Committee's assessment of the complaint (well-founded or unfounded) and further recommendations including any (potentially disciplinary) measures to be taken, to the Rectorate.

Before the report of findings is sent to the Rectorate, the Committee will inform both complainant and defendant from the outcome of the report. The Committee will state any remark with respect to its report made by the parties within a set period of time which will then be included in the report to the Rectorate.

Neither the report of findings nor the recommendations will be available to the public. The Committee provides the Rectorate with an anonymized summary of its findings and recommendations, designed for publication.

In the aftermath of this regulation's procedure, the Rectorate will consider publication on the VSNU's website both of the summary report designated for publication and of the anonymized opinion of the Rectorate. On grounds of compelling circumstances the Rectorate may opt for non- anonymized publication.

Art. 11 Follow-up procedure and right to second opinion

1. It is the duty of the Rectorate to state whether the complaint is well founded or not. Then, after careful consideration, the Rectorate will reach a preliminary decision, including any (disciplinary) measures to be taken, and notify the Complainant and Defendant of this within four weeks after having received the report of the Complaints Committee. It shall always inform the Complainant and Defendant of this in writing without delay. The recommendation of the Committee shall be sent along with the preliminary decision.
2. If it is concluded that a violation of academic integrity has occurred, various (disciplinary) measures may be taken. Such measures are subject to the governing law and a disciplinary procedure will be followed before deciding to impose a disciplinary measure. Disciplinary measures may include a written warning, suspension of work, termination of employment and/or repercussions for academic titles.

3. Within six weeks of receiving the notification of the Rectorate, Complainant and Defendant, who is not satisfied with the decision, can request the National Board for Scientific Integrity (LOWI; Dutch abbreviation *Landelijk Orgaan Wetenschappelijke Integriteit*) to express an opinion on the preliminary decision of the Rectorate, insofar as it concerns the breach of academic integrity. If requested, the Committee shall send copies of all documents relating to the complaint to the LOWI without delay.

4. If the LOWI has not been asked for its advice, the Rectorate will reach its final decision on the complaint.

5. If advice has been requested from the LOWI within the period specified under 11.2, the Rectorate will take into account the opinion of the LOWI before reaching its final decision including possible (disciplinary) measures.

6. In any case, it is the Rectorate who will make a definitive decision following the outcome of the investigation regardless whether LOWI has been consulted or not.

Art. 12 Amicable agreement

If an amicable settlement is reached, or the complaint is withdrawn or the Defendant has resolved the complaint to the satisfaction of the Complainant, the review of the complaint will be terminated by the Committee. The Complainant, the Defendant, and the Rectorate shall be notified of this in writing.

Art. 13 Investigation at the request of the Rectorate

The Rectorate may request the Committee to carry out an investigation into a suspected breach of academic integrity.

Art. 14 Protection of the parties involved

Submitting a complaint under this regulation may not result in any disadvantage whatsoever, direct or indirect, for the Complainant, unless the Complainant failed to act in good faith (see also IHE Delft's Policy on Whistleblowers). The same applies to witnesses, experts, the confidentiality counsellor or the members of the Committee.

Art. 15 Unforeseen cases

In cases for which these regulations do not provide, the Rectorate shall decide.

Art. 16 Final provisions

This regulation is published on the website of IHE Delft.

This regulation shall be in effect as of 23 January 2018 and supersedes all previous complaints procedures with respect to academic integrity.

This regulation is adopted by the IHE DELFT Governing Board.

APPENDIX I Breaches of academic integrity

Appendix to the Academic Integrity Complaint Regulations of IHE Delft

Breaches of academic integrity

There is general agreement within the academic community regarding how academic researchers should behave and the type of conduct that should be rejected as breach of academic integrity. In the Netherlands, this agreement is expressed in the 2004 VSNU Code of Conduct for Scientific Practice.¹

Mistakes can be made everywhere and misconduct comes in many shapes and sizes. 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 combatting misconduct and if necessary punishing the responsible parties rests with IHE Delft.

With respect to the types of conduct listed below, IHE Delft hereby declares that it categorically rejects and actively combats such conduct and if necessary IHE Delft shall use all the sanctions at its disposal to punish perpetrators. Breaches of academic integrity include in any case the following:

1. Invention: including fictitious data

Fabricating or inventing data which are then presented as actual findings of research activities. This touches on the very heart of scientific inquiry – the search for truth.

2. Falsification: falsifying data and/or clandestine removal of research results obtained.

Data that are unwelcome for the researcher may never be adjusted to expectations or theoretical conclusions. Data may only be omitted if there are well-founded reasons for doing so.

3. Plagiarism of publications, or parts of publications, and results by third parties

Academia can only work on the basis of an honest recognition of the intellectual property of every individual's own contribution to knowledge. This holds for the whole range of academic work, from course participant 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 or created 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.

¹ VSNU (2012) Code of Conduct for Scientific Practice
http://www.vsnu.nl/files/documenten/Domeinen/Onderzoek/The_Netherlands_Code_of_Conduct_for_Scientific_Practice_2012.pdf

APPENDIX II Declaration of academic integrity

I hereby declare that I have read and understood The Netherlands Code of Conduct for Scientific Practice, Principles of Good Scientific Teaching and Research by the Association of Universities in the Netherlands (VSNU) and the Regulation on Complaints Regarding Academic Integrity at IHE Delft.

As such, by signing this declaration I confirm that I shall apply the principles as set out in the Netherlands Code of Conduct for Scientific Practice in my own work and will endeavour to promote these among other scientists.

I am aware of and agree that a finding of breach of good academic practice will be handled according to the IHE's Regulation on Complaints Regarding Academic Integrity.

Delft, date.....

Name.....

Signature.....

