

EUR Complaints Procedure Scientific Integrity 2020

Practical implementation of the guidelines referred to in Article 1.7 WHW

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Chapter I – Definitions	4
Article 1.1 – Definitions.....	4
Chapter II – General.....	5
Article 2.1 – Statutory framework	5
Article 2.2 – Assignment of powers	5
Article 2.3 – Confidentiality	5
Article 2.4 – Processing of personal data.....	6
Article 2.5 – Concurrence of Complaint with notice of objection (Article 8:14 Awb)	6
Chapter III – The CWI.....	6
Article 3.1 – Appointment.....	6
Article 3.2 – Composition and Recusal	6
Article 3.3 – End of appointment.....	7
Article 3.4 – Secretary.....	7
Article 3.5 – Remuneration Chairperson and members	7
Article 3.6 – Tasks	7
Article 3.7 – Procedure	7
Chapter IV – Procedure	7
Article 4.1 – Submission of a Complaint	8
Article 4.2 – Rectification of omission and deferral of the decision period	8
Article 4.3 – Admissibility of a Complaint.....	8
Article 4.4 – Handling of the complaint	9
Article 4.5 – Withdrawal of a Complaint.....	9
Article 4.6 – Representation	9
Article 4.7 – Anonymous Complainant or witness.....	9
Article 4.8 – Decision not to hear the Parties	9
Article 4.9 – Hearing.....	10
Article 4.10 – Reporting	10
Article 4.11 – New facts and circumstances	11
Article 4.12 – Advice	11
Chapter V – Outcome of the procedure.....	11
Article 5.1 – Provisional decision of the Executive Board.....	11
Article 5.2 – Definitive decision of the Executive Board	11

Chapter VI – Final provisions12

Article 6.1 – Legal protection 12

Article 6.2 – Complaint against the Board 12

Article 6.3 – Interpretation 12

Article 6.4 – Translation 12

Article 6.5 – Publication 12

Article 6.6 – Entry into force 12

Article 6.7 – Official title 12

Article 6.8 – Withdrawal 13

Article 6.9 – Applicable law..... 13

Article 6.10 – Administration of the Regulations..... 13

Chapter I – Definitions

Article 1.1 – Definitions

1. For the purposes of these Regulations, the terms below are defined as follows:

- GDPR [General Data Protection Regulation](#);
- General Administrative Law Act [General Administrative Law Act](#);
- Administrator The person charged with the performance of administrative tasks at the instruction of, in the name of, and under the responsibility of the Executive Board (within the meaning of administrative law) and the EUR (within the meaning of private law), as described in the [BBR-EUR](#);
- Accused The person against whom a Written Complaint about a Violation of Scientific Integrity has been submitted to the CWI, who moreover has or had a Legal Relationship with the EUR;
- Board The Executive Board of the EUR, the management body within the meaning of [Article 1:1 paragraph 1 Awb](#), the university board within the meaning of [Article 1:1, subsection j WHW](#);
- CWI The Committee for Scientific Integrity, the permanent Complaints Advisory Committee set up by the Board to Investigate, to assess, and to advise the Board about Violations of Scientific Integrity;
- EUR The legal entity established under public law officially known as Erasmus University Rotterdam;
- Conduct All acts or omissions, both physical acts and public law and private juristic acts, of an Accused related to a suspected Violation of Scientific Integrity;
- Code of Conduct [The Dutch Code of Conduct on Scientific Integrity 2018](#);
- Lawyer Someone with the title Master of Law ([Article 7.20, paragraph 1\(b\) WHW](#));
- Notification The Written and reasoned findings of the Investigation into the Complaint, with which the provisional ruling of the Executive Board is notified ([Article 9:12 Awb](#));
- Complaint Written report submitted to the CWI by a Complainant about a suspected Violation of Scientific Integrity by an Accused;
- Complainant The person who submits a Complaint to the CWI;
- LOWI [National Board for Research Integrity](#);
- Investigation The collection of information by the CWI and the issuing of advice to the Executive Board about the validity of the assessed Complaint and other findings;
- The Parties The Complainant and the Accused;
- Supervisory Board The Supervisory Board of the EUR ([Article 9.7 WHW](#));
- Legal Relationship
 - An employment contract with the EUR;
 - The performance of work activities for EUR otherwise than on the basis of an employment contract.
- Regulations EUR Complaints Procedure Scientific Integrity 2020;
- Violation of Scientific Integrity Acts or omissions in violation of the Code of Conduct;
- Written By letter or e-mail ([Article 2:13-2:17 Awb](#));

- Secretary Secretary of the CWI;
 - Recuse/ Recusal A decision not to sit on the CWI for the hearing of a specific Complaint;
 - Confidential Counsellor The person who has been appointed as a [Confidential Advisor Scientific Integrity](#) by the Executive Board, to whom a report can be made, and from whom information, advice and support can be obtained concerning a suspected Violation of Scientific Integrity;
 - Chairperson The person who is appointed as the Chairperson of the CWI by the Executive Board and who chairs the CWI during the hearing of a Complaint;
 - Business Day Every day except a Saturday, Sunday, or official public holiday as defined in the [General Extension of Time limits Act](#);
 - WHW [Dutch Higher Education and Research Act](#).
2. Wherever the masculine form is used in these Regulations, this may also be interpreted as the feminine form and vice versa.
 3. Wherever the singular form is used in these Regulations, where relevant this may also be interpreted as the plural form and vice versa.

Chapter II – General

Article 2.1 – Statutory framework

1. All Complaints are dealt with in accordance with the WHW and the Awb, and in particular the provisions in [Title 9:1 of the Awb](#) and the Code of Conduct.

Article 2.2 – Assignment of powers

1. For the application of these Regulations, the following powers will be exercised by the CWI and by the Secretary of the CWI:
 - [Article 9:4 Awb](#) (setting of period for rectification of omission);
 - [Article 9:6 Awb](#) (confirmation of receipt);
 - [Article 9:8 Awb](#) (the acceptance of a Complaint);
 - [Article 9:9 Awb](#) (sending a copy of a Complaint to the Accused);
 - [Article 9:10 Awb](#) (the hearing of a Complaint);
 - [Article 9:11 paragraph 2 Awb](#) (deferral of the final decision by four weeks);
 - [Article 9:12a Awb](#) (registration of the Complaints Procedure).

Article 2.3 – Confidentiality

1. Every Complaint is handled confidentially. Everyone who is directly or indirectly involved in the Complaints Procedure must observe strict confidentiality with respect to all the information they learn in relation to the Complaint.
2. The CWI may carry out a further Investigation into a breach of confidentiality.
3. After verifying the breach of confidentiality, the CWI may take further measures to guarantee confidentiality. These measures may extend to the way in which the Investigation is carried out.

4. A breach of confidentiality, whereby the process of establishing the truth is compromised, can lead to the handling of the case being stopped by the CWI and the Executive Board being advised not to handle the Complaint any further. The Parties will be informed about this In Writing.
5. The Executive Board can take appropriate measures against the person who has committed the breach of confidentiality.
6. Confidentiality does not apply to the exchange of information between the Secretary, the CWI and other persons appointed by the Board or the CWI specifically to handle the Complaint, and, based on a legal obligation, to authorised officers of police and justice in connection with judicial proceedings.

Article 2.4 – Processing of personal data

1. The CWI only collects and processes Personal Data necessary for the Investigation of the Complaint and the issuing of an opinion about the Complaint ([Article 6 paragraph 1\(c\) GDPR](#)).

Article 2.5 – Concurrence of Complaint with notice of objection (Article 8:14 Awb)

1. If a Complainant has also submitted a notice of objection in addition to the Complaint, then depending on the intentions of the Complainant, the submission will be dealt with as a notice of objection, as a Complaint, or as a notice of objection and a Complaint, unless the Complaint is submitted after the end of the objection period ([Article 9:1](#) in conjunction with [Article 9:8 Awb](#)).
2. At the request of the Parties or at its own initiative, the CWI can handle cases about the same or related subjects together, or handle joined cases separately.
3. The Parties can make a request for cases to be joined or separated at any time before the end of the hearing of the Investigation.

Chapter III – The CWI

Article 3.1 – Appointment

1. The Executive Board shall appoint the Chairpersons and the members of the CWI for a period of four years. The Chairpersons and members may be reappointed.
2. The Chairpersons are not employed under the responsibility of the Executive Board.
3. When appointing the members of the CWI, the Executive Board must endeavour to achieve a balanced representation of the various academic fields within the EUR.
4. The members of the Board, the members of the Supervisory Board, the Administrators, and the Confidential Counsellors are not eligible for appointment as a Chairperson or member of the CWI.

Article 3.2 – Composition and Recusal

1. The CWI has to consist of at least three members, including the Chairperson, one of whom has to be a Lawyer.
2. The Complaint is handled by a CWI whose Chairperson and members are not or have not been involved in any way in the Complaint or with the Parties. As a result, and because the activities of the committee are overseen by an independent Chairperson, this ensures the independent handling of the Complaint.
3. The Chairperson or a member of the CWI can Recuse themselves.

4. In the event of a Recusal, the CWI member will be replaced by another Chairperson or member, or a new CWI will be appointed.

Article 3.3 – End of appointment

1. The Chairperson and the members must have an impeccable academic reputation. The Executive Board can dismiss a Chairperson or a member from the CWI, after the relevant person has been heard, if the Board feels there are important reasons to justify such.
2. A Chairperson or a member can ask for their appointment to the CWI to be ended at any time.
3. Membership of the CWI will legally end if a position is accepted that is incompatible with the membership of the CWI, as referred to in article 3.1 paragraph 3 of the Regulations.

Article 3.4 – Secretary

1. The CWI will be assisted by a Secretary, who will follow the instructions of the Chairperson in relation to the performance of the tasks.

Article 3.5 – Remuneration Chairperson and members

1. The Chairperson and members of the CWI will receive an allowance in accordance with the EUR Holiday Allowance Regulations adopted by the Board.

Article 3.6 – Tasks

1. The CWI will issue advice to the Board, without any instructions or guidance, about the admissibility of the Complaint as described in article 4.3 of the Regulations, and about the soundness or unfoundedness of the Complaint after the Complaint has been taken into consideration. If no advice can be given about the soundness or unfoundedness of the Complaint, then the reasons for this will be explained in the advice issued to the Board.
2. The Committee will not issue any advice about any possible measures to be taken by the Board.

Article 3.7 – Procedure

1. The CWI will exclusively give advice in relation to Complaints about Violations of Scientific Integrity within the EUR.
2. The Board shall provide the CWI, both proactively and on request, with all the information it needs to perform its task satisfactorily ([Article 3:7 Awb](#)).
3. The CWI may hear witnesses and consult experts, who may or may not be associated with EUR. A report will be drawn up of this. The CWI can demand to be given access to all documentation and correspondence that it deems relevant for the assessment of the Complaint.
4. The Investigation will be led by the Chairperson.
5. Procedural decisions of the CWI are not subject to appeal or objection ([Article 6:3](#) in conjunction with [Article 1:3 Awb](#)).

Chapter IV – Procedure

Article 4.1 – Submission of a Complaint

1. A Complaint has to be submitted to the CWI in Writing and, as a rule, in Dutch. An exception to this rule can be made if the use of a different language will be more practical and the interests of third parties are not disproportionately prejudiced by such ([Article 2:6 Awb](#)). The Chairperson shall decide which language is more practical. This decision will be subject to the provisions of article 3.7 paragraph 5 of the Regulations.
2. If the Complaint is written in a language other than Dutch, and a translation into Dutch is necessary for the proper handling of the Complaint, then the Complainant will have to arrange a translation at their own expense ([Article 6:5 paragraph 3 Awb](#)).
3. The Complaint has to contain the following details ([Article 9:4 Awb](#)):
 - The name, position, home address, e-mail address and telephone number of Complainant;
 - The name and position of the Accused whom the Complaint relates to;
 - A detailed description of the suspected Violation of Scientific Integrity by the Accused;
 - Insofar as applicable, the date on which or the period during which the suspected Violation of Scientific Integrity took place;
 - The Written documents or other supporting evidence relating to the Complaint;
 - The date of signing.
4. A Complaint can be refused in full or in part on the grounds of [Article 2:15 paragraph 2 and 3 Awb](#).
5. The CWI has to confirm the receipt of the Complaint ([Article 9:6 Awb](#)).
6. The Secretary will inform the Executive Board via the Rector Magnificus verbally about the fact that a Complaint has been received and the substance of such, whereby the identity of the Complainant will not be revealed. During the handling of the Complaint, the Executive Board will only be informed about the procedural progress being made. The Executive Board will only be informed about the details of the case by way of the sending of the advice, with the observance of that provided for in article 3.6 of these Regulations.

Article 4.2 – Rectification of omission and deferral of the decision period

1. If the requirements specified in article 4.1 of the Regulations have not been fulfilled, the CWI will give the Complainant the opportunity to rectify the omission within a period of ten Business Days ([Article 6:6 Awb](#)). This period can be extended by the CWI at the request of the Parties.
2. The decision period will be suspended with effect from the day after the date on which the Complainant has been asked to rectify an omission, up to the date on which the omission is rectified or until the period set for this has expired without being availed of ([Article 7:10 paragraph 2 Awb](#)).
3. If the Complainant does not rectify the identified omission within a period of ten Business Days, then the Complaint will not be taken into consideration ([article 9:4 Awb](#)).

Article 4.3 – Admissibility of a Complaint

1. A Complaint will not be taken into consideration if:
 - the Complaint does not relate to a form of Conduct as defined in the Regulations;
 - A request made by the CWI for the rectification of an omission or for additional information has not been complied with, this within the context of a proper Complaint handling in the sense of [Article 9:2 Awb](#).

2. In addition to that provided for in [Article 9:8 Awb](#), a Complaint will not be taken into consideration if:
 - The Complaint relates to Conduct that occurred more than five years before the Complaint was submitted;
 - The Accused no longer has a Legal Relationship with EUR;
 - An Investigation is no longer reasonably possible due to the passing of time.
3. If the Complaint is not eligible to be taken into consideration, the CWI will advise the Board about this in Writing and explain the reasons for such ([Article 9:8 paragraph 2 Awb](#)).
4. The Board will notify the Complainant in Writing as soon as possible if the Complaint will not be taken into consideration ([Article 9:8 paragraph 3 Awb](#)). It will state in the Notification that the Complainant can make a request to the LOWI for an opinion about this decision within six weeks after the receipt of the Notification.

Article 4.4 – Handling of the complaint

1. After the Complaint has been accepted for consideration by the CWI, the CWI will notify the Accused about such.
2. A copy of the Complaint will be sent to the Accused by the CWI ([Article 9:9 Awb](#)).
3. The Accused can send a defence to the CWI In Writing before the hearing, within a period to be set by the Secretary.
4. A copy of the defence will be sent to the Complainant.

Article 4.5 – Withdrawal of a Complaint

1. A Complaint can be withdrawn by the Complainant at any time by way of a Written notification sent to the CWI.
2. A notification of withdrawal can be made orally during the hearing.
3. If a Complaint is withdrawn, the CWI will stop the handling of such. The CWI will immediately inform the Accused and the Board about this in Writing.

Article 4.6 – Representation

1. If a Party is represented by an authorised representative with a power of attorney, the documentation relating to the case will be sent to the authorised representative ([Article 6:17 Awb](#)).
2. The power of attorney must be given In Writing, dated, and signed by the person who is being represented.
3. A Written power of attorney in the sense of paragraph 2 of this article will not be required if a Party is represented by a lawyer.
4. Any costs of representation shall be for the account of the person who is being represented.

Article 4.7 – Anonymous Complainant or witness

1. A Complaint or statement whereby the identity of the Complainant or witness is not disclosed, and thus not verifiable, will not be taken into consideration by the CWI.

Article 4.8 – Decision not to hear the Parties

1. The hearing of the Parties does not have to take place if ([Article 9:10 Awb](#)):
 - The Complaint is manifestly unfounded;
 - The Complainant has stated that he does not wish to exercise his right to be heard;

- The Complainant has not stated that he wishes to exercise the right to be heard within the reasonable period set by the CWI.

Article 4.9 – Hearing

1. The Parties can submit further documents up to 10 days before the hearing ([Article 7:4 paragraph 1 Awb](#)).
2. The CWI shall set the date and time of the hearing as soon as possible after receiving the Complaint, and shall summon the Parties to appear, in Writing. Insofar as possible, the summons to appear will be sent at least five Business Days before the date of the hearing.
3. The hearing can also be held remotely via electronic means.
4. The hearing of testimony will be conducted by the CWI, or will be delegated to the Chairperson or a member of the CWI, in the presence of the Secretary ([Article 9:15 paragraph 2 Awb](#)).
5. A Party who is heard with a view to the possible imposition of a punitive sanction is not obligated to make a statement about the offence. That Party will be informed before the hearing that he is not obliged to answer any questions ([Article 5:10a Awb](#)).
6. The Parties will be heard in each other's presence. The Board can decide ex officio or at the request of the Parties that the Parties may be heard separately if it is likely that a simultaneous hearing will hinder a proper handling of the case, or if facts or circumstances will be disclosed during the hearing that need to be kept confidential for compelling reasons ([Article 7:6 Awb](#)).
7. The hearing is not open to the public ([Article 9:10 Awb](#)).
8. If it becomes apparent before the end of the hearing that the Investigation was not complete, the CWI can decide that the hearing can be continued at a time and date to be decided. Furthermore, the CWI can give the Parties instructions in relation to the provision of further information or evidence ([Article 7:9 Awb](#)).
9. The CWI can make audio or video recordings of the hearings. The recordings shall remain in the possession of the CWI, and shall be destroyed no later than the date on which the period in which a request can be submitted to the Ombudsman ends if this possibility is not availed of or the date on which the Investigation of the Ombudsman is closed.
10. In principle, the hearing shall be held in Dutch. An exception to this rule can be made if the use of a different language will be more practical and the interests of third parties are not disproportionately prejudiced by such ([Article 2:6 Awb](#)). The Chairperson shall decide which language is more practical. This decision will be subject to the provisions of article 3.7 paragraph 5 of the Regulations.
11. If a Party does not have good command of Dutch, then that Party will be allowed, at their own expense, to be accompanied during the hearing by somebody who does have good command of Dutch.
12. The Parties may be assisted by one other person of their choice in addition to an attorney and an interpreter.

Article 4.10 – Reporting

1. A report will be drawn up of the hearing ([Article 9:10 paragraph 3 Awb](#)).
2. After the hearing, the report of the hearing will be sent to the persons who have been heard, with a request to return the report within five Business Days, signed as approved, where relevant with a separate substantive response, which is attached to the report. If the report is not returned within five Business Days, then by law, the report shall be deemed to have been approved.

3. The reports, together with a response as referred to in paragraph 2 of this article, will be exchanged between the Parties, where relevant subject to certain conditions set by the CWI.

Article 4.11 – New facts and circumstances

1. If, after the hearing, new facts or circumstances become known to the CWI that may be of considerable importance for the advice to be given about the Complaint, the Parties will be informed about this and the Parties will be given the opportunity to be heard about such again ([Article 7:9 Awb](#)).

Article 4.12 – Advice

1. The CWI shall issue its Written advice in Dutch to the Executive Board within a period of eight weeks after the receipt of the Complaint, with the observance of that provided for in article 4.2 paragraph 2 of the Regulations ([Article 9:11 paragraph 1 Awb](#)).
2. The final decision on the Complaint can be deferred for a maximum period of four weeks. The Parties will be notified about this in Writing ([Article 9:11 paragraph 2 Awb](#)).
3. If the final decision on the Complaint is deferred, the CWI will issue its report to the Executive Board within a period of twelve weeks after the receipt of the Complaint, with the observance of that provided for in article 4.2 paragraph 2 of the Regulations.
4. A further deferral is possible on the condition the Complainant agrees to this In Writing ([Article 9:11 paragraph 3 Awb](#)), or if a further deferral is necessary in order to comply with statutory procedural rules.

Chapter V – Outcome of the procedure

Article 5.1 – Provisional decision of the Executive Board

1. Within four weeks after receiving the advice of the CWI, the Board shall make its provisional decision about the Complaint and send a Notification about this to the Parties, together with a copy of the advice of the CWI.
2. The Board will also send the Notification to the CWI for its information.
3. If the provisional decision of the Board differs from the advice of the CWI, the reason for this difference will be explained in the Notification.
4. The Parties cannot lodge an objection or appeal against the Notification.
5. It will state in the Notification that the Parties can ask the LOWI to issue an opinion about this decision within six weeks after the receipt of the Notification.

Article 5.2 – Definitive decision of the Executive Board

1. If the Parties do not submit an application to the LOWI within the period of six weeks set for such, the provisional decision of the Executive Board shall become definitive. The Parties can lodge an appeal against the definitive decision with the Ombudsman within a period of one year ([Article 9:12 Awb](#)).

2. If the Parties have submitted an application to the LOWI, the Executive Board shall make its definitive decision after it has received the advice of the LOWI. As a result, the Executive Board can either uphold, amend, or rescind its decision. The Parties can lodge an appeal against the definitive decision with the Ombudsman within a period of one year ([Article 9:12 Awb](#)).

Chapter VI – Final provisions

Article 6.1 – Legal protection

1. A Complainant, witness(es), expert(s), the Confidential Counsellor or the Secretary, the Chairperson and members of the CWI who have been involved in a Complaints Procedure as described in these Regulations will in no way be disadvantaged in their position at EUR as a result of being involved in a Complaint, insofar as they have acted in good faith. This also applies to the Accused insofar as the Complaint is declared unfounded.
2. This legal protection will not be afforded in the event of false and/or deceitful Complaints.
3. The Executive Board will ensure the proper implementation of that provided for in paragraph 1 of this article.

Article 6.2 – Complaint against the Board

1. If a Complaint is submitted about a member of the Board, any reference to the 'Board' in these Regulations will be replaced by 'Supervisory Board'.
2. The Supervisory Board can decide that the CWI should be made up of different Chairpersons and members than those already appointed by the Executive Board.

Article 6.3 – Interpretation

1. In situations associated with the Regulations that are not regulated under the Regulations, or if the Regulations allow for more than one interpretation, the Board shall decide.
2. The Board can decide to deviate from that provided for under or pursuant to the Regulations.

Article 6.4 – Translation

1. If these Regulations are translated, and in the event of any inconsistencies between the translation and the Dutch version, the Dutch version will prevail.

Article 6.5 – Publication

1. The Executive Board will post the Regulations on the EUR website.

Article 6.6 – Entry into force

1. These Regulations shall enter into force on a date to be determined by the Executive Board.

Article 6.7 – Official title

1. The Regulations shall be referred to as: EUR Complaints Procedure Scientific Integrity 2020.

Article 6.8 – Withdrawal

1. On the date on which these Regulations take effect, former versions of these Regulations will be withdrawn.

Article 6.9 – Applicable law

1. These Regulations shall be governed exclusively by Dutch law.

Article 6.10 – Administration of the Regulations

1. These Regulations are administered by the General Management Directorate, Legal Affairs Department.