

This English translation of the *Reglement Landelijk Orgaan Wetenschappelijke Integriteit* is for information purposes only. The Dutch text is binding.

## REGULATIONS OF THE NATIONAL BOARD FOR RESEARCH INTEGRITY

### Preamble

*The Regulations of the National Board for Research Integrity [Het Reglement Landelijk Orgaan Wetenschappelijke Integriteit] (referred to hereinafter as “LOWI Regulations”) were first established on 15 April 2003 by the Board of the Royal Netherlands Academy of Arts and Sciences [Koninklijke Nederlandse Akademie van Wetenschappen] (referred to hereinafter as “the Academy”) with the consent of the Presidium of the Association of Universities in the Netherlands [VSNU] and the Board of the Netherlands Organisation for Scientific Research [NWO] and entered into effect on 1 May 2003, simultaneously with the founding of the LOWI. The LOWI Regulations were amended on 20 October 2009. The regulations below replace the LOWI Regulations dated 20 October 2009.*

### Article 1 – Definitions

<i>Institution</i>	Each and every institution affiliated with the LOWI. These include the <i>constituent</i> institutions i.e. the founders of the LOWI, as well as other institutions. The constituent institutions are (1) the Academy (and its institutes), (2) the NWO (and its institutes) and (3) the VSNU (with the affiliated Dutch universities, including the university medical centres (UMCs). The “other institutions” include those which joined after the LOWI was founded.
<i>Party</i>	Complainant and the Board.
<i>Complainant</i>	Legal entity or natural person submitting a claim to the LOWI regarding a Board’s (provisional) decision on an alleged violation of the principles of research integrity.
<i>Defendant</i>	Researcher employed (or formerly employed) by the Institution who has performed research in connection with, or under the supervision of, an Institution, whether or not such research was performed by virtue of an appointment or pursuant to an employment contract.
<i>Board</i>	Highest-ranking executive body of an Institution affiliated with the LOWI.
<i>Interested Party</i>	Legal entity or natural person having an interest in a procedural or substantive Board decision different than the Board’s (provisional) decision regarding the alleged violation of the principles of research integrity.
<i>Principles of Research Integrity</i>	Standards of research conduct as laid down in national and international documents listed on LOWI’s webpage.
<i>Violation of the principles of research integrity</i>	Failure to comply with the standards of research integrity.
<i>Counsellor</i>	The natural person at an Institution who acts as the contact for questions and complaints regarding an alleged violation of the principles of research integrity.

*Committee (Research Integrity)*

The committee that investigates a complaint and advises the Board on a complaint regarding an alleged violation of the principles of research integrity by a Defendant.

## **Article 2 – National Board for Research Integrity**

An independent National Board for Research Integrity [*Landelijk Orgaan Wetenschappelijke Integriteit*], to be referred to hereinafter as “LOWI”, is established in (1011 JV) Amsterdam at the Kloveniersburgwal 29, the Netherlands.

## **Article 3 – Task**

- 3.1 The LOWI’s task is to advise the Board on complaints concerning a (provisional) decision regarding the alleged violation of the principles of research integrity by one or more Defendants.
- 3.2 The LOWI is a fully independent body that issues its opinion without the intervention of the Institutions or their Boards.
- 3.3 If requested, the LOWI can provide the Board, Complainant, and Defendant with an explanation of the LOWI Regulations and/or the LOWI’s Procedures [*Werkwijze LOWI*].

## **Article 4 – Composition**

- 4.1 The LOWI consists of no more than six members, including the chair, who all together preferably have backgrounds in the natural sciences, humanities, law, social sciences, and behavioural science.
- 4.2 After consultation with the Board of the Academy, the Board of the VSNU, and the Board of the NWO, all members are appointed on the recommendation of the LOWI through resolutions passed by these Boards.
- 4.3 The members of the LOWI are recruited from the Academy or Dutch universities, and/or are associated with the NWO. Those who serve as Board members, Counsellors, or members of a Committee of an Institution as defined in Article 1 are not eligible for nomination to become members of the LOWI.
- 4.4 Members are appointed for a term of three years. They may be re-appointed twice for a term of the same length, whether or not such appointments are made consecutively.
- 4.5 The Official Secretary shall be made available to the LOWI after consultation between the Chair of the LOWI and the Director General of the Academy. With regard to the substance of the work, the Official Secretary shall function independently of any substantive intervention by the Academy or another Institution.
- 4.6 In the case of a conflict of interests (or the appearance of such), the LOWI member concerned shall refrain from involvement in the matter.
- 4.7 The LOWI can come to a decision at a meeting, session, discussion (or preliminary discussion) and/or hearing at which at least the Chair (or Acting Chair) and three other members are present.

## **Article 5 – Experts**

- 5.1 The LOWI may solicit the opinion of one or more external experts while considering a complaint.
- 5.2 The LOWI shall have full discretion to choose which experts it will engage and what issues it will ask them to consider.

## **Article 6 – The complaint**

- 6.1 An Interested Party that disagrees with a Board’s (provisional) decision on a complaint regarding an alleged violation of the principles of research integrity may submit a complaint regarding that decision to the Official Secretary of the LOWI.
- 6.2 The LOWI shall first determine whether, pursuant to Article 7 of the LOWI Regulations, the Complainant’s complaint is eligible for consideration by the LOWI.
- 6.3 If the complaint is eligible for consideration, the LOWI shall, pursuant to Article 8 of the LOWI Regulations, proceed to perform a procedural and substantive review of the Board’s (provisional) decision, in which respect the LOWI’s advice may include a recommendation regarding the necessity of a particular sanction if the opinion confirms that the principles of research integrity

have been violated.

- 6.4 The Complainant will receive a decision from the LOWI in the form of a copy of the advice submitted to the Board. The Official Secretary of the LOWI shall also send the LOWI's advice to the Defendant, to the extent he/she is or was involved in the proceedings, as well as other Third Interested Parties involved in the proceedings and experts whose services were engaged in connection with the proceedings.

#### **Article 7 – The LOWI's assessment of whether a complaint is eligible for consideration**

- 7.1 The LOWI shall consider complaints regarding a Board's (provisional) decision that satisfy the provisions of this Article 7.
- 7.2 The LOWI shall only consider complaints regarding a Board's (provisional) decision. These include also a Board's written refusal to take a decision on a complaint that has been submitted regarding a violation of the principles of research integrity.
- 7.3 A complaint must be submitted to the LOWI in writing within six weeks of the date of the Board's (provisional) decision, in default of which the LOWI will not consider the complaint.
- 7.4 The LOWI shall also decline to consider a complaint if it:
- \* relates to a civil and/or administrative and/or criminal law matter or proceedings; and/or
  - \* the LOWI has already issued an opinion on the complaint.
- 7.5 A complaint submitted to the LOWI must satisfy the following requirements:
- a. The complaint must be signed and contain at least:
    - the name and address of the Complainant;
    - the date;
    - a description of the Board's (provisional) decision to which the complaint relates;
    - the grounds for and/or a detailed description of the complaint.
  - b. The complaint must be accompanied by a copy of the Board's (provisional) decision, as well as a copy of the underlying opinion by the Committee (Research Integrity).
  - c. If the complaint is written in a foreign language and a translation of the complaint is deemed necessary in order to properly consider the complaint, the Complainant shall provide such translation.
  - d. To the extent a complaint fails to satisfy the requirements set forth under Article 7.5(a)-(c), the Complainant shall be afforded a period of no more than fourteen days to satisfy these requirements.
- 7.6 The LOWI shall not consider any complaint if, by the time the complaint has been submitted, a reasonable amount of time has passed since the occurrence of the alleged violation of the principles of research integrity. A period of ten years shall be considered a reasonable amount of time. A complaint submitted after such 10-year period has elapsed may be accepted in cases involving a serious and flagrant violation of the principles of research integrity that has been concealed throughout that period.
- 7.7 The LOWI may nevertheless decide to consider a complaint that fails to satisfy the provisions of Article 7.2-7.5(b)-(d) based on extraordinary circumstances.

#### **Article 8 – Procedural and substantive review of the Board decision**

- 8.1 If a complaint is eligible for consideration by the LOWI pursuant to Article 7, the LOWI shall perform a review to determine whether, depending on the complaint, the Board's (provisional) decision was taken with due care, both procedurally and/or substantively.
- 8.2 If the Board's (provisional) decision consists of a refusal to hear a claim because the term of limitation has expired, the LOWI shall determine whether, based on the relevant Institution's complaints regulations and Article 7.6 of the present LOWI Regulations, the refusal is well-founded..
- 8.3 If the LOWI finds that there are procedural or substantive grounds for re-investigating the complaint underlying the decision (or intended decision), the LOWI shall institute its own investigation.
- 8.4 The LOWI shall make its best efforts to issue a well-founded opinion to the Board within six weeks of the hearing held in connection with the complaint or within four months of the claim's submission to the LOWI. The LOWI may extend this four-month term once by a period of no more than two months if such is necessary due to the complexity of the complaint or the parties' circumstances.
- 8.5 The Board is obliged to provide the LOWI with a copy of its final decision it takes as a result of the LOWI's opinion.

## **Article 9 – Right of inspection**

During and after the proceedings before the LOWI, the parties shall be entitled to inspect their file, except for the communications and/or correspondence of and/or between the members, experts, and Official Secretary. The Complainant or the Board must make an appointment with the Official Secretary of the LOWI in order to inspect their file.

## **Article 10 – Duty of confidentiality**

With effect from the date on which the Complainant(s) submit(s) a complaint to the LOWI until the date on which the Board takes a final decision, the Complainant(s), Defendant(s), Boards, other Third Interested Parties, any experts engaged by the LOWI, the members of LOWI and the Official Secretary of the LOWI shall be subject to a duty of confidentiality with regard to all information they learn about the case. After a final decision by the Board has been issued, the aforementioned parties must (continue to) show restraint in order to avoid harming the professional reputation of the Defendant. This applies particularly in case of an unfounded complaint.

## **Article 11 – Procedures and operations of the LOWI**

- 11.1 The LOWI shall establish additional rules regarding its procedures (referred to hereinafter as “LOWI Procedures” [Werkwijze LOWI]). These additional rules shall be publicly accessible and published on LOWI webpage. The LOWI need not obtain the consent of the Institutions or their Boards to amend the LOWI Procedures.
- 11.2 The Academy supports the LOWI in its operations. The costs relating to such operations shall constitute part of the LOWI’s budget.

## **Article 12 – Amendments to the Regulations**

Amendments to the underlying i.e. present Regulations, whether or not made at the LOWI’s behest, shall be effected by a joint decision of the Board of the Academy, the Board of the VSNU, and the Board of the NWO.

## **Article 13– Right of complaint**

If the Complainant and/or the Defendant take the position that the LOWI has not properly considered a complaint, the Complainant and/or the Defendant may file a complaint in that regard with the LOWI pursuant to Chapter 9 of the Dutch General Administrative Law Act [*Algemene Wet Bestuursrecht*]. The LOWI shall establish its method for handling complaints in the LOWI Procedures.

## **Article 14 – Admission to the LOWI**

- 14.1 A legal entity that is entirely or largely publicly funded and performs independent and autonomous scientific research (or causes such research to be performed), and/or an organisation that is not entirely or largely publicly funded, provided it has been accredited by the government and it performs independent and autonomous scientific research (or causes such research to be performed), which wishes to be admitted to the LOWI (referred to hereinafter as “Applicant”) may submit a written, well-founded application for admission to the Official Secretary of the LOWI.
- 14.2 The Applicant’s application must be accompanied by any existing complaint regulations and/or procedural rules regarding (alleged) violations of the principles of research integrity or a statement that the Applicant is prepared to have such complaint regulations and/or procedural rules in effect starting on the date of admission.
- 14.3 The Official Secretary of the LOWI shall notify the Academy, VSNU, and NWO in writing regarding an application for admission.
- 14.4 If the application is eligible for consideration by the LOWI, the Applicant shall receive an invitation to further explain its application at the LOWI.
- 14.5 The LOWI and the constituent Institutions may attach additional conditions which the Applicant must meet in order to be admitted, one of which shall in any case include the Institution’s obligation to make

- a proportionate contribution to financing the LOWI and its activities.
- 14.6 After the Applicant provides an oral explanation of its application, the LOWI shall issue a written opinion to the Academy, VSNU, and NWO, providing a copy to the Applicant.
  - 14.7 The Board of the Academy, the Board of the VSNU, and the Board of the NWO shall take a joint decision regarding the Applicant's application and inform the LOWI regarding that decision. The Official Secretary of the LOWI shall ensure that the decision is forwarded to the Applicant.
  - 14.8 Admission to the LOWI obliges the Institution to comply with the LOWI Regulations and the LOWI Procedures, and to harmonise any arrangements that may already exist at the Institution with the LOWI Regulations and LOWI Procedures.
  - 14.9 An Applicant shall have no right to file an objection or appeal with the LOWI regarding any negative opinion the LOWI may issue to the Boards of the Academy, VSNU, or NWO.

**Article 15 – Contingency clause**

In cases in which the LOWI Regulations or LOWI Procedures are inconclusive the LOWI shall act in accordance with the Dutch General Administrative Law Act (Algemene Wet Bestuursrecht).

**Article 16 – Effective date**

These Regulations shall enter into effect on 1 January 2014.

Thus established by the Board of the Academy, the Presidium of the VSNU, and the Board of the NWO.

Amsterdam, the Netherlands, .....2013      On behalf of the Academy

The Hague, the Netherlands, ..... 2013      On behalf of the VSNU

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 The Hague, the Netherlands, ..... 2013      On behalf of the NWO  
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