Netherlands Code of Conduct for Research Integrity

for consultation purposes

January 2018

This is a preliminary translation for consultation purposes of the draft version of the Netherlands Code of Conduct for Research Integrity. As this translation is not authorised by the committee that has drawn up the consultation version of the Netherlands Code of Conduct for Research Integrity, the text is a preliminary translation of the Dutch original. In case of any divergence of interpretation, the Dutch text shall prevail.

A translation authorised by the committee and based on the final version of the Netherlands Code of Conduct for Research Integrity will become available later. Regardless of any substantive changes made to the text of the code, this translation will very likely differ from the translation made available during the consultation.

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1 Preamble

As defined by the *European Code of Conduct for Research Integrity* (revised version, 2017, hereinafter to be referred to as: ALLEA code), scientific research is 'the quest for knowledge obtained through systematic study and thinking, observation and experimentation'. Although different scientific disciplines may differ in their approach and method, they have in common the motivation to increase our understanding of ourselves and the world in which we live, and to share that knowledge. In our modern knowledge society, scientific research has been given a role that has become indispensable. Scientific research provides knowledge and understanding of all aspects of reality, including the building blocks for political decision-making and incentives for social development and economic growth. For that reason, politics and society are increasingly making more, and better articulated, demands from scientific research.

Research integrity is a vital component in allowing scientific research to perform this role properly. This holds true for all disciplines. Scientific research derives its status from the fact that it is a normatively regulated process. That normativity is partly methodological and partly ethical in nature and can be formulated in a number of leading principles: *honesty, scrupulousness, transparency, independence and responsibility.* Researchers who are not guided by these principles risk harming both the quality and the trustworthiness of scientific research. This might cause direct damage, for example to the environment or to patients, and can prejudice public trust in scientific research, as well as trust between individual researchers. It is therefore vital that the principles of research integrity and the ensuing guidelines for responsible research practices be defined with the greatest possible clarity and be acknowledged and applied as widely as possible. That is the aim of this Code of Conduct. The Code provides a normative framework for researchers and in complaints procedures. It can also serve as the principal document for research integrity education. The Code includes the duties that institutions must meet to improve research integrity.

Since 2004, when the first version of the Netherlands Code of Conduct for Academic Practice was published, the importance of research integrity has received a great deal of attention, both in the Netherlands and beyond, as has the potential role of a code of conduct. In the past years that has given rise to minor changes. However, the situation has evolved to the point where a new text needs to be adopted, with clear guidelines and a more distinct internal system, which reflects international developments and covers fundamental, applied and practice-oriented research.[1] The decision was therefore made to conduct a full review.

[1] See the Report submitted by the survey committee reviewing the Code of Conduct for Academic Practice in 2016 to the Association of Universities in the Netherlands (VSNU), the Royal Netherlands Academy of Arts and Sciences (KNAW) and the Netherlands Organisation for Scientific Research (NWO): http://vsnu.nl/files/documenten/Domeinen/Onderzoek/eindversie%20rapport%20definitief.pdf

Scientific research will continue to develop, not only in the way it is conducted and organized, but also in the way in which it is embedded in society. That in turn will lead to evolving views on responsible research practices. From time to time, the standards for responsible research practices and duties must be reviewed and the Code updated. Some areas of scientific research practice are particularly subject to change, for example the growing importance of the way large data files are used and managed and the developments in the area of open science and open access. It is only to be expected that these and other advancements will require supplements and adjustments to the Code in future.

This document is a Code of Conduct for researchers and institutions in the Netherlands which also respects the scope of international framework documents, such as the *Singapore Statement on Research Integrity* (2010)[2], the OECD's *Best Practices for Ensuring Scientific Integrity and Preventing Misconduct* (2007)[3] and ALLEA's (recently revised) *European Code of Conduct for Research Integrity* (2017)[4]. In certain aspects the Code presented here offers more specifics and details than the ALLEA code. By complying with this Code, any researcher will as a matter of course keep within the boundaries of the ALLEA code.

As is the case with many analogue documents in other countries and the ALLEA code, this Code contains the following sections (after Chapter 2):
- Chapter 3 defines five principles of research integrity that are determining factors for responsible research practice.
- These principles are further detailed in Chapter 4, which establishes more or less specific standards for responsible research practices.
- Chapter 5 subsequently formulates the duties of institutions: they must ensure a work environment that promotes and guarantees responsible research practices.
- Chapter 6 is concerned with non-compliance with the standards of Chapter 4. Various degrees of severity are described ranging from scientific misconduct and questionable research practice to a minor shortcoming. This distinction is relevant since it relates to options for filing a complaint, taking measures and imposing sanctions.

The parties primarily responsible for research integrity are the researchers, their managers and the institutions where they work. That said, they are also subject to the way in which scientific research is organized and financed in the Netherlands, within the context of the European Union. Other parties within this system also exercise influence, such as research funders (including the government), publishers and editors of journals. They can either contribute to or hinder good and incorruptible scientific research. Although as a rule these parties have not committed to the principles of this Code, they should nevertheless - at the very least - be guided by them.

[2] To be accessed through: http://www.singaporestatement.org/downloads/singpore%20statement_A4size.pdf
[3] To be accessed through: https://www.oecd.org/sti/sci-tech/40188303.pdf
[4] To be accessed through: http://www.allea.org/wp-content/uploads/2017/05/ALLEA-European-Code-of-Conduct-for-Research-Integrity-2017.pdf

2 Scope and transitional provisions

2.1 To which activities does this Code apply?

1. This Code deals with scientific research[5] in the broadest sense, as conducted at institutions that subscribe to this Code. It entails both publically and privately funded research, as well as fundamental, applied and practice-oriented research.

2. In this Code 'research' is taken to mean all activities connected to the practice of research - drawing up applications, design and execution of the research, assessment and peer review, acting as expert, reporting, accountability and publicity.

3. Legitimate methodological discussions and regular scientific debate do not affect research integrity as such and therefore fall outside the scope of this Code.

4. There are other forms of integrity besides research integrity. The researcher must for example treat his subordinates, students and colleagues with respect, and he must refrain from committing fraud with expense statements. These forms of integrity are not directly related to the research practice as such and therefore fall outside the scope of this code.[6]

2.2 Which institutions are bound to this Code?

5. This Code is binding to the institutions that subscribe to it.

6. This is code is subscribed by the Royal Netherlands Academy of Arts and Sciences (KNAW), the Netherlands Federation of University Medical Centres (NFU), the Netherlands Organisation for Scientific Research (NWO), the Federation of Applied Research Institutes, the Netherlands Association of Universities of Applied Sciences and the Association of Universities in the Netherlands (VSNU). Other institutions, including private enterprises, can also subscribe to this Code.

7. Joint research with other institutions (including private ones) which have not subscribed to this Code should only take place if guarantees are agreed or set to that research and if these guarantees are equivalent to Chapters 3 and 4 of this Code.

2.3 To whom does this code apply within the subscribing institutions?

8. Within the institutions subscribing to this Code, Chapters 3 and 4 apply first and foremost to:
• individual researchers, including PhD students and visiting researchers or external professionals as far as they participate in research of the institution;
• project managers;
• managers and research managers as far as they help determine the design and execution of research.

9. Chapters 3 and 4 also apply to work of other actors involved in the research, such as supporting staff or participating citizens (in 'citizen science'). Provided that they work on the instructions of the responsible researchers or project managers, they are not personally accountable for non-compliance with the standards in this Code.

[5] Scientific research refers to all research, including the humanities and social sciences, arts, etc.
[6] But they possibly fall under other integrity codes and/or statutory regulations.

10. Within the educational setting this Code is meaningful in the context of knowledge transfer and training courses and serves as a normative framework for scientific research and research traineeships of students. Scientific research by students therefore falls within the normative framework of this Code (Chapters 3 and 4). As long as that research is only conducted in an educational context and does not result in publications other than a disclosed thesis, non-compliance with the standards from this Code cannot result in sanctions as referred to in paragraph 6.3 being imposed.[7]

11. Chapters 5 and 6 focus mainly on the institutions themselves and the officials employed there who have a position in management or on the board. One of the duties of the institutions and these officials includes ensuring that researchers comply with the standards of Chapter 4.

2.4 Demarcation with other regulations

12. This Code contains general standards for all scientific disciplines and for the institutions that subscribe to the Code. These may be specified or supplemented for each discipline or institutions, but never mitigated.

13. In some areas that border on or overlap with those of research integrity, statutory regulations are in effect that set requirements for researchers. See Annex 1 for a brief overview of these statutory regulations. Failure to comply with one of these statutory regulations will in some cases mean that the researcher has also failed to comply with a standard in Chapter 4 of this Code. If that is the case, it could result in a sanction as referred to in paragraph 6.3 of this Code also being imposed.

14. Where application of this Code conflicts with a statutory regulation, application of the statutory regulation prevails over application of this Code.

2.5 Entry into effect and transitional provisions

15. This Code enters into effect on ... (to be determined).

16. Chapters 3, 4 and 6 of this Code apply to:
a. scientific research (*new research*) started after ... (to be determined), and
b. research activities started after ... (to be determined) in scientific research commenced before ... (to be determined) (*transitional situations*).

17. The Netherlands Code of Conduct for Academic Practice (revised 2014) is revoked, but remains applicable to previous activities.

18. The institution may determine that one or more of its duties as set out in Chapter 5 should enter into force on a date later than ... (to be determined), if any such duties are included in a plan of action drawn up before ... (to be determined). The duties for the institution will then enter into force at this later date. A different time may apply to each duty.

[7] Work by students falls under other regulations, such as the Education and Examination Regulations of their degree programme.

3 Principles

Principles are the base for integrity in research. They should guide individual researchers as well as other parties involved in research, such as institutions where research is conducted, publishers, scientific editors, research funders and scientific societies, who given their role and interest in responsible research practices may be expected to foster research integrity.

This Code is based on the following five, widely supported principles.[8] In each case an explanation is provided in italics detailing their impact on the practice of research.[9]

1. Honesty
Honesty means refraining from making unfounded claims, reporting the research process accurately, refraining from fabricating or falsifying data or sources, taking alternative opinions and counter-arguments seriously, being open about margins of uncertainty, and refraining from presenting the results more favourably or unfavourably than they actually are.

2. Scrupulousness
Scrupulousness means using methods that are justified or seen as the standard within the discipline and exercising the best possible care in designing, executing, reporting and disseminating the research.

3. Transparency
Transparency means ensuring that it is clear to others what data the research was based on, how this was obtained, which results were achieved and how, and what role external stakeholders played. If parts of the research or the data cannot be made accessible, the researcher must properly substantiate why this is not possible. The way in which the research process was executed and the various phases of that process must at least be evident to peers. As a minimum, it means that the line of reasoning must be clear. Moreover, in many disciplines the steps in the empirical research process must be verifiable so that the research can be replicated.

4. Independence
Independence means not allowing the choice of method, assessment of data and the weight attributed to alternative statements nor the assessment of other's research or research proposals to be influenced by non-scientific considerations (for example considerations of commercial or political nature). Formulated as such, independence also includes impartiality. At all times independence is required in the design and execution of the research; however, in the choice of research object and research question independence is not always necessary.

5. Responsibility
Responsibility means taking account of the fact that a researcher does not operate in isolation and therefore taking into consideration within reasonable limits the legitimate interests of human and animal test subjects involved in the research, any commissioning parties, funders and the environment. Responsibility also means conducting research that

[8] For a justification of the choice for these particular five principles, also against the background of what is common international practice, see the report submitted by the survey committee reviewing the Code of Conduct for Academic Practice in 2016 to the Association of Universities in the Netherlands (VSNU), the Royal Netherlands Academy of Arts and Sciences (KNAW) and the Netherlands Organisation for Scientific Research (NWO): http://vsnu.nl/files/documenten/Domeinen/Onderzoek/eindversie%20rapport%20definitief.pdf
[9] These explanatory notes form the link between the principles and the standards formulated in Chapter 4.

is scientifically or socially relevant.

In some cases these principles may conflict and restrict each other's scope. Responsibility towards a commissioning party and/or funder or towards public safety can for example impose limits on the transparency that a researcher can provide.

In Chapter 4, these five principles are set out into concrete standards for good research practices. If actions were taken in violation of a principle which do not infringe on a standard listed in Chapter 4 or on an additional standard set for a discipline or institution, a sanction as referred to in Chapter 5 will not be imposed.

4 Standards for good research practices

4.1 Introduction

The principles referred to in Chapter 3 are further elaborated in this chapter into more or less concrete standards for responsible research practices. These standards determine what a researcher must observe in his or her research, individually or as a team. The standards have been developed for each phase of scientific research: design, execution, reporting, assessment and peer review, and public and professional communication.

The standards in this chapter are *general* standards. They may be specified or supplemented depending on the discipline or institution, but should never be mitigated.

4.2 Design

1. Consider the interests of scientific research and/or society when determining the subject and structure of your research.
2. Conduct research that can be of scientific or social relevance.
3. Do not make unsubstantiated claims about results to be obtained.
4. Take the state of the art into account when developing new research.
5. Make sure your research design can provide an answer to the research question.
6. Provide scrupulous methodological justification.
7. If the research is conducted on commission and/or is funded by third parties, always make clear who the commissioning party and/or funder is.
8. Be open about the role of external stakeholders and possible conflicts of interest.
9. In joint research, make clear agreements about matters concerning research integrity and related matters such as intellectual property rights.
10. Provide sound reasons (such as the protection of the participants' identities, security considerations, commercial interests) if parts of the research or data will not be made available afterwards.
11. Ensure that the required permissions are given and that ethical review is conducted, where necessary.
12. Only accept research assignments that can be executed in accordance with the standards in this Code.
13. Only enter into joint research with a research partner who does not belong to an institution that has subscribed to this Code if guarantees are agreed or set that are equivalent to Chapters 3 and 4 of this Code.

4.3 Execution

14. Conduct your research accurately and with precision.
15. Use methods that can stand the test of scientific criticism within your discipline.
16. Make sure that the choice of research methods, the assessment of the data or the weight attributed to possible explanations are not influenced by any non-scientific (i.e. commercial, political, ideological, personal) interests, arguments or preferences.
17. Only use research results that were obtained in a scientifically responsible manner. Do not fabricate research results and do not report on fabricated data as if it were fact.
18. Do justice to all research results obtained. Do not remove or change results without explicit and proper justification. Do not add fabricated data during the data analysis.
19. Ensure that sources are verifiable.
20. Describe the data collected for and/or used in your research honestly, scrupulously and as with as much transparency as possible.

21. Manage the collected data carefully and store both the rough and processed versions for a period appropriate to your discipline.
22. Contribute where appropriate towards making data findable, accessible, interoperable and re-usable according to the FAIR principles.[10]
23. Take into consideration the interests of human and animal test subjects and the risks to the researchers and environment, while in all cases observing the relevant laws and regulations.[11]
24. Keep your level of expertise up to date.
25. Only accept tasks that fall within your area of expertise.

4.4 Reporting

26. Do justice to everyone who contributed to the research and to obtaining the data.
27. Encourage fair allocation of authorship; all authors must have made a substantial intellectual or scientific contribution. Follow the guidelines that apply to your discipline.
28. Involve all co-authors in the versions of the manuscript that are being offered for publication.
29. Present sources, data and arguments in a scrupulous way.
30. Be transparent about the method and working procedure followed and record them where relevant in research protocols, logs, lab journals or reports. Your line of reasoning must be clear. Moreover, in many disciplines the steps in the empirical research process must be verifiable so that the research can be replicated.
31. Be explicit about not reporting research results that were collected in accordance with the research design and substantiate your selection.
32. Be clear about the results and conclusions and their scope.
33. Be explicit about uncertainties and counter indications and refrain from drawing unsubstantiated conclusions.
34. Be explicit about contrary insights that could be relevant to the interpretation of the research results.
35. When adopting other people's ideas, procedures, results and citations, do justice to the relevant works by accurately referencing the source.
36. Avoid unnecessary reuse of previously published texts of which you yourself were the author or co-author.
a. Be transparent about reuse by referencing the original publication.
b. That reference is not necessary in the case of small-scale reuse and of reuse of introductory passages and descriptions of the applied method.[12]
37. Always provide references when reusing research material that can be used for meta-analysis or the analysis of pooled data.
38. Avoid unnecessary references.
39. Be open about the role of external stakeholders, commissioning parties, funders, possible conflicts of interest and relevant ancillary activities.
40. Provide sound reasons (such as the protection of the participants' identities, security considerations, commercial interests) if the research or the data or parts of the research or data will not be made available.

4.5 Assessment and peer review

41. Be honest and scrupulous as a peer reviewer or reviewer and explain the assessment.

[10] See the GoFair website: https://www.go-fair.org/fair-principles/
[11] See Annex 2 for an overview of the most relevant legislation in this context.
[12] See KNAW, How to cite correctly. Advisory letter by KNAW April 2014, Amsterdam, April 2014: https://www.knaw.nl/nl/actueel/publicaties/correct-citeren

42. Do not use confidential information that was acquired in the context of an assessment, unless explicit consent was given.
43. Do not review a work if your independence can be called into question, for example because of possible business or financial interests.
44. Do not review works outside the area of your own expertise, unless in general terms only.
45. Be generous in cooperating with internal and external reviews of your own research.

4.6 Public and professional communication

46. Be honest in public communication and clear about the limitations of the research and your own expertise. Only communicate about the research results if there is sufficient certainty about the results.
47. Be open and honest about your role in the public debate and about the nature and status of your participation in that debate.
48. Be open and honest about possible conflicts of interest, including to the outside world.

5 The institution's duties

5.1 Introduction

The institution ensures a work environment that promotes and guarantees responsible research practices. The institution ensures that researchers can work in a safe and open environment in which they feel responsible and accountable, can share dilemmas and discuss errors made without being afraid of the consequences (*blame-free reporting*).

These are the institution's duties of care. Compliance is important to encourage researchers to observe the standards for good research practices. Many of these duties concern the various levels within the institution; they also entail obligations for the officers working at those levels, particularly supervisors, managers and board members. The board or supervising authority of an institution can be held responsible for compliance with the duties.[13]

5.2 Training and supervision

1. Create awareness about research integrity in the organization and ensure or facilitate training courses for researchers, supporting staff and managers, where necessary.
2. Make sure that attention for research integrity is firmly embedded in the education provided at universities and universities of applied sciences.
3. Contribute to a work environment in which responsible research practices are facilitated.
4. Ensure that supervision of PhD students and junior researchers is conducted by senior researchers who have the appropriate expertise and competencies.

5.3 Research culture

5. Ensure compliance with all relevant laws and regulations.
6. Encourage a research culture in which the standards of Chapter 4 are embedded and take measures if there are signs of transgression or impending transgression.
7. Ensure clear instructions, protocols and other means to provide support to the researcher and provide insight into what responsible research practice means within his discipline and institution.
8. Ensure appropriate preventative measures to avoid transgression of the standards, such as monitoring the quality and intensity of supervision of PhD students and junior researchers and monitoring the composition of PhD committees.
9. Select senior researchers who possess good scientific and methodological skills.
10. Ensure a research culture in which researchers discuss the standards for responsible research practices with each other, in which researchers hold each other accountable and in which researchers are prepared to report any reasonable suspicion of transgression of those standards to the relevant body (such as an Research Integrity Committee or a confidential adviser of the own institution).
11. Protect researchers if they are being directed by others to transgress the standards for responsible research practices.

5.4 Data practices and management

12. Ensure a research infrastructure in which proper data management is the rule and this is facilitated.

[13] No complaints may be lodged against this as regulated in paragraph 6.4.

13. Ensure that qualitative and quantitative data, protocols, research material and accompanying metadata can be stored permanently.
14. Ensure that all data and research materials, published or unpublished, are managed and securely stored for the period appropriate to the discipline.
15. Ensure that data is open and accessible where possible and remains confidential as far as necessary.
16. Ensure that it is clear how data and research material can be accessed.

5.5 Publication and dissemination

17. Ensure that fair agreements are made in contracts with commissioning parties and funders about whether or not to publish data and research material and make it accessible.
18. Ensure compliance with all relevant laws and regulations.

5.6 Ethical standard setting and procedures

19. Ensure ethical reviews, for example by setting up one or more ethical committees and providing them with adequate support. Such committees can provide researchers with binding or non-binding advice on issues such as the use and treatment of patients, human and animal test subjects, possible risks on publishing research data, the use of human tissue, the environment, risks to cultural heritage and possible conflicts of interest.
20. Publish on the institution's website information on the policy pursued with regard to recording and publication of relevant ancillary work, ancillary positions and interests, and which measures have been taken to implement that policy.
21. Ensure that confidential advisers for research integrity are appointed and assisted and that they can easily be reached.

6 Non-compliance with the standards: measures and sanctions

6.1 Introduction

The researcher and the institution must be committed at all times to scrupulous compliance with all the standards for good research practices, which include the general standards in Chapter 4 and any additional standards for a discipline or institution. Researchers must also hold each other and their managers and employees responsible. If a researcher fails to comply with the standards referred to in Chapter 4, he is in breach of his professional responsibility. That harms the research process and the relationship between individual researchers and possibly also the trust in the credibility of the research.
The institution where the researcher works must therefore consider in each case where non-compliance with the standards has been established whether there are grounds to take action by preventative or corrective measures and/or by imposing a sanction (see paragraph 6.3). Whether action is indeed necessary and what form that action should take depends on how serious the non-compliance is. Three qualifications can be made for the degree of severity for non-compliance: scientific misconduct, questionable research practice or a minor shortcoming (see paragraph 6.2).

6.2 Scientific misconduct, questionable research practice or a minor shortcoming

A. Scientific misconduct
Non-compliance with the standards in Chapter 4 means that in the most serious cases the research integrity was violated, i.e. *scientific misconduct* took place.

1. The most notable examples are fabrication, falsification and plagiarism.
Fabrication means inventing research results and reporting them as if they are fact (standard 17 in Chapter 4).
Falsification means manipulating research material, equipment or processes to change, withhold or remove data or results without justification (standard 18).
Plagiarism means the use of another person's ideas, work methods, results or texts without appropriate recognition (standards 29, 35 or 42).
These three instances nearly always constitute scientific misconduct. Only where it concerns falsification and plagiarism may the shortcoming in some cases be too minor to qualify as scientific misconduct in light of the weighting criteria referred to under D.

2. Failure to comply with the following standards will stand a reasonable chance of being considered scientific misconduct in light of the weighting criteria under D:

- design: standards 7, 8 and 12
- execution: standards 16, 20, 21, 22 and 25
- reporting: standards 27, 31, 33, 37, 39 and 40
- assessment and peer review: standards 42 and 43
- public and professional communication: standard 46.

3. Failure to comply with standards other than those referred to in Chapter 4 will in general not result in being ruled scientific misconduct. But in exceptional cases, in light of the weighting criteria, it could be ruled as such.

B. Questionable research practice
Even if failure to comply with the standards in Chapter 4 does not lead to the conclusion of scientific misconduct, that conduct could still constitute a failure to the extent that it must be considered 'questionable research practice' in light of the weighting criteria. This is especially the case if the conduct has occurred on more than an occasional basis, for example if the conduct forms part of the research culture in which the researcher works.

C. Minor shortcoming
In all other cases, failure to comply with the standards in Chapter 4 will not be serious enough in light of the weighting criteria to award the qualification scientific misconduct or the qualification questionable research practice. Failure to comply will in these cases be deemed 'a minor shortcoming'.

D. Weighting criteria for A, B and C
When weighing the severity of non-compliance with the standards of Chapter 4, the following weighting criteria are particularly important:
a. extent of non-compliance;
b. level to which non-compliance was committed intentionally, whether it was a form of gross negligence or the result of carelessness or ignorance;
c. possible consequences for the validity of the research in question and the prevailing scientific knowledge;
d. possible effects on the trust in scientific research and between scientists;
e. possible impact on individuals, society and the environment;
f. possible benefit for the researcher;
g. the opinions within the discipline about the severity of non-compliance;
h. the researcher's position and experience;
i. the extent of any prior shortcomings demonstrated by the researcher;
j. the extent to which the institution failed in implementing its duties (Chapter 5).

6.3 Sanctions and other measures

Sanctions

The board should only consider imposing *sanctions* in the case of scientific misconduct. The institution itself can impose sanctions relating to legal status, such as a reprimand, transfer, demotion or dismissal. Sanctions must be appropriate and proportional. The institution can also opt to suspend the researcher from activities such as a doctoral thesis supervisor. Furthermore, it may be necessary for the institution to refer to bodies tasked with supervision or empowered to impose administrative, disciplinary or criminal-law sanctions.

Other measures

Even when there is no reason to impose a sanction, failure to comply with the standards cannot remain undiscussed. Even in the case of questionable research practice or a minor shortcoming, researchers must therefore always hold each other, their subordinates and their managers accountable to ensure that quality assurance is improved, repetition is prevented and adverse effects are repaired or restricted (e.g. by rectifying or retracting publications of that research). The institution's board will where necessary take measures itself or call others to account. It may prove necessary for the institution to take preventive - individual or general - measures to ensure that research practices are improved, compliance with all standards is observed and a more timely detection takes

place (see also duties for the institutions in Chapter 5).

6.4 Procedure for complaints about scientific misconduct and subsequent investigation at the institution's request

The institution ensures a scrupulous and honest procedure for the handling of and decisions on complaints about non-compliance with the standards for good research practices. These are followed even if the institution considers it necessary to conduct an investigation on its own initiative into non-compliance with the standards.
The following basic principles apply to handling and decision-making:
1. Further to a complaint or at the request of the institution's board, the research is conducted by a committee or official appointed to that end.
2. Hereinafter the relevant party is taken to mean: the person whose conduct is under investigation.
3. Anonymous complaints will not be considered. However, the institution can initiate an investigation in that case.
4. Complaints may only be lodged about scientific misconduct (see paragraph 6.2 under A).
5. The complaint or request must adequately substantiate why the complainant or requester considers scientific misconduct was committed.
6. The committee or official can decide not to continue proceedings as soon as it is clear that the complaint or request:
a. concerns a purely professional difference of opinion, or
b. cannot lead to the opinion that the relevant party's conduct entails scientific misconduct.
7. The complainant and the relevant party may consult a confidential adviser.

8. The procedure:
• provides for fair treatment, including hearing both sides and making relevant information available to both the complainant and the relevant party;
• is confidential;
• has been set up in such a way that the complainant and the relevant party are not unnecessarily affected;
• is completed within a reasonable time period;
• is conducted by experts with no personal interest in the case;
• is laid down in clear regulations by the institution and is easily accessible.

9. The relevant party is presumed innocent until proven otherwise.
10. The committee or official judges whether scientific misconduct has taken place.[14] Even if the committee or official is of the opinion that the complaint is wholly or partially unfounded, it can establish questionable research practice[15] or a minor shortcoming.[16]
11. After the committee or official has given its opinion, the institution gives its opinion and decides on sanctions or measures as referred to in paragraph 6.3.
12. The institution subsequently ensures that the findings and the decision are made public in anonymous form, in any case when scientific misconduct has been established.
13. The institution ensures that the rights of the complainant and the relevant party are protected and that the complainant and the relevant party are not unnecessarily affected in their career prospects or otherwise.
14. The institution is not obligated to arrange legal assistance but can decide to do so.

[14] See paragraph 6.2 under A.
[15] See paragraph 6.2 under B.
[16] See paragraph 6.2 under C.

Annex 1 - Examples of statutory regulations that overlap with or border on the standards for responsible research practices

1. General Data Protection Regulation (GDPR)
(http://eur-lex.europa.eu/legal-content/NL/TXT/PDF/?uri=CELEX:32016R0679&from=NL)

2. Public Records Act (*Archiefwet*)
(http://wetten.overheid.nl/BWBR0007376/2015-07-18)

3. Genetically Modified Organisms Decree (*Besluit genetisch gemodificeerde organismen*)
(http://wetten.overheid.nl/BWBR0035090)

4. Radiation Protection Decree (*Besluit stralingsbescherming*)
(http://wetten.overheid.nl/BWBR0012702)

5. Code of Ethics for research in the Social and Behavioural Sciences involving human subjects
(https://www.maastrichtuniversity.nl/nl/file/5726/download?token=JCDTG3ky)

6. Embryos Act (*Embryowet*)
(http://wetten.overheid.nl/BWBR0013797)

7. Code of Conduct for health research
(https://www.federa.org/sites/default/files/bijlagen/coreon/gedragscode_gezondheidsonderzoek.pdf)

8. Code of Conduct for responsible handling of human tissue for scientific research
(https://www.federa.org/sites/default/files/images/codegoedgebruik_versiea4_juli_2015_beeldmerk_federa_en_coreon_corr_pag_4_jvds.pdf)

9. Genetically Modified Organisms Regulations
(http://wetten.overheid.nl/BWBR0035072)

10. Standard for the protection of animals used for scientific purposes
(http://eur-lex.europa.eu/legal-content/NL/TXT/PDF/?uri=CELEX:32010L0063&from=EN)

11. Association of Universities in the Netherlands (VSNU) Sectorial regulation regarding ancillary activities
(http://www.vsnu.nl/files/VSNU%202017/Sector%20regeling%20nevenwerkzaamheden%202017.pdf)

12. Personal Data Protection Act (*Wet bescherming persoonsgegevens*)[17]
(http://wetten.overheid.nl/BWBR0011468)

13. Foetal Tissue Act (*Wet foetaal weefsel)*
(http://wetten.overheid.nl/BWBR0012983)

14. House for Whistleblowers Act (*Wet Huis voor de klokkenluiders*)
(http://wetten.overheid.nl/BWBR0037852/2016-07-01)

15. Medical Research (Human Subjects) Act (*Wet medisch wetenschappelijk onderzoek met mensen*)
(http://wetten.overheid.nl/BWBR0009408)

16. Environmental Management Act (*Wet milieubeheer*)
(http://wetten.overheid.nl/BWBR0003245)

17. Experiments on Animals Act (*Wet op de dierproeven*)
(http://wetten.overheid.nl/BWBR0003081)

18. Medical Treatment Contracts Act (*Wet op de geneeskundige behandelingsovereenkomst*)
(http://wetten.overheid.nl/BWBR0005290/#Boek7_Titeldeel7_Afdeling5)

19. Medical Devices Act (*Wet op de medische hulpmiddelen*)
(http://wetten.overheid.nl/BWBR0002697)

[17] Will be replaced as of 25 May 2018 by the General Data Protection Regulation (Implementation) Act (TK 2017-2018, 34 851, no. 2: https://zoek.officielebekendmakingen.nl/kst-34851-2.html), because the General Data Protection Regulation (GDPR) will enter into force on that date.

20. Population Screening Act (*Wet op het bevolkingsonderzoek*)
(http://wetten.overheid.nl/BWBR0005699)

21. International, European and national legislation regarding intellectual property including:

a. Copyright Act (*Auteurswet*)
(http://wetten.overheid.nl/BWBR0001886/2017-09-01)

b. Neighbouring Rights Act (*Wet op de naburige rechten*)
(http://wetten.overheid.nl/BWBR0005921/2017-09-01)

c. Patents Act 1995 (*Rijksoctrooiwet 1995*)
(http://wetten.overheid.nl/BWBR0007118/2017-03-01)

d. Seeds and Planting Materials Act 2005 (*Zaaizaad- en plantgoedwet 2005*)
(http://wetten.overheid.nl/BWBR0018040/2017-09-01)

Annex 2 - Meaning of the abbreviations used in this Code of Conduct

ALLEA: ALL European Academies
http://www.allea.org/

KNAW: Royal Netherlands Academy of Arts and Sciences
https://www.knaw.nl/

NFU: Netherlands Federation of University Medical Centres
http://www.nfu.nl/

NWO: Netherlands Organisation for Scientific Research
https://www.nwo.nl/

OECD: Organisation for Economic Co-operation and Development
http://www.oecd.org/

TO2 federation: Federation of Applied Research Institutes *(Deltares, ECN, MARIN, NLR, TNO, WUR/DLO)*
https://www.to2-federatie.nl

VSNU: Association of Universities in the Netherlands
http://www.vsnu.nl/