

Procedure to be followed in case of suspected research misconduct
(approved by the Executive Board dd. 22.11.2022)

Readers should be aware that only the Dutch version of this regulation has legal force. This English translation is strictly for reference and cannot be invoked as a legal tool

Preamble

This regulation describes the procedure to be followed in case of suspected infractions of research integrity, committed by researchers who are affiliated to the University of Antwerp. A researcher of the University of Antwerp is anyone who conducts or has conducted scientific or scholarly research within the framework of the University of Antwerp, regardless of his or her statute (ZAP, OP, AAP, BAP, ATP,).

In the first instance, the procedure, which should be read in conjunction with the principles for good research practice, is a set of supporting and remedying measures designed to stop the transgressions and is not to be regarded as a disciplinary or legal procedure. In case of serious research misconduct, however, the procedure provides the possibility of proposing to the institution to initialize a disciplinary procedure in compliance with the disciplinary regulations applicable to the involved researcher. The committee takes on an advisory role within the university. If need be, the committee can also seek the advice of the Flemish Committee for Research Integrity (VCWI or Vlaamse Commissie Wetenschappelijke Integriteit).¹

Research integrity implies that researchers must carry out their research in accordance with the code of ethics for scientific and scholarly research (see attachments). In addition, the University of Antwerp endorses the principles of research integrity as outlined in the *European Code of Conduct for Research Integrity* of the European Science Foundation and ALL European Academies (ALLEA) (issued in 2017) . Furthermore, researchers at the institution are also expected to adhere to institutional guidelines regarding research integrity with the Ethical Code of Conduct for Scientific Research UAntwerp being the main example, but also the the charter for doctoral students, any authors' guidelines, etc.

Clear cases of research misconduct are: the unrightful appropriation of the intellectual property or contributions of others (plagiarism), the fabrication or falsification of data, the deliberate publication of wrongful conclusions and all sorts of conduct through which researchers, carrying out research on behalf of an external party, jeopardize their independence and/or impartiality. Other research practices that can affect research integrity include self-plagiarism, withholding research results, citing selectively to enhance own findings, misusing seniority, ghost/gift-authorship,...

It is the moral duty of all staff members of the University of Antwerp to report perceived infractions of research integrity.

A suspected infraction of research integrity can take place during all stages of scientific and scholarly research: in acquiring funding, collecting data or drawing up theories, developing software, conducting experiments, processing, analysing and publishing results, assessing others' project proposals or

¹ "The VCWI only handles cases for which an advice has already been formulated by the competent bodies in the involved institution(s) and for which at least one of the parties involved wishes to obtain the additional opinion of the VCWI. An institution, including disadvantaged institutions, can only seek the advice of the VCWI after the competent body or committee that has investigated the suspected transgression within the institution, has notified all parties of its advice, and before the Board of the involved institution has decided whether or not to take further action", Regulations of the Flemish Committee for Research Integrity, Art. 4, §1.

publications, etc.. Errors and mistakes that were committed in good faith (honest error) and differences of scientific opinion are not regarded as infractions of research integrity.

Composition of the Committee for Research Integrity

The Executive Board decided to install a Committee for Research Integrity within the University of Antwerp. This committee is composed of:

- for each scientific domain two members (of which at least one is an academic staff member, associate professor or higher, or an emeritus with assignment) with long-time experience in research
- a tenured academic staff member from the Faculty of Law.

One of the members acts as the chair of the committee.

The members are appointed by the Executive Board upon the proposal of the Research Board for a 3- year once-renewable term. The mandate of the chair is renewable twice with a view to guaranteeing the necessary continuity within the committee.

For each case that arises, the Committee is entitled to designate two ZAP members who are familiar with the domain of the case under investigation to provide further assistance.

All members of the Committee for Research Integrity, as well as its secretariat and contact point, are bound by a duty of confidentiality and objectivity.

Committee membership is incompatible with that of the ZAP/AAP disciplinary committees, membership of the Flemish Committee for Research Integrity, or deanship. The same holds true for the assisting ZAP members designated by the Committee. Members of the Committee for Research Integrity who have formulated a prior opinion about the necessity to forward the case to the authorised disciplinary committee are not allowed to express an opinion on the same case as a member of the respective disciplinary committee or of the Executive Board, which acts as the body of appeal for disciplinary issues.

At the request of the Executive Board, the Research Affairs Unit within Research, Innovation and Valorisation Antwerp (RIVA) holds the secretariat of the Committee.

Contact point for Research Integrity

The Contact point for Research Integrity, also to be appointed by the Executive Board, acts as an independent reporting point within the university and takes on the following tasks:

- The Contact point acts as the first he hotline acts as the first point of contact for raising research integrity issues.
- The Contact point functions as a conduit to the Committee for Research Integrity if someone wishes to file a formal complaint.

Responsibilities Committee for Research Integrity

The Committee for Research Integrity's responsibilities comprise:

- Conducting an investigation in case a suspected infraction of research integrity is reported;
- Attempting to mediate as much as possible during this process;
- Formulating an advice towards the institution on there having occurred an infraction of research integrity
Advising the University Board on general issues on scientific and scholarly deontology and ethics;

- Advising and sensibilizing researchers within the university to make them aware of research integrity, if necessary assisted by Research, Innovation and Valorisation Antwerp for the practical details.

In any case, the following issues fall outside of the scope of this procedure:

- Ethical issues that arise in experiments involving humans, issues that directly relate to patient-oriented research, such as informed consent and the use of patient materials, experiments with laboratory animals, survey research in which audiovisual data of vulnerable groups are collected or for research for which the risk exists that the results of the research can have a direct military application or could be abused for terroristic purposes are to be referred to the Committee for Medical Ethics, the Ethical Commission for Animals, the Ethics Committee for the Social Sciences and Humanities, or the Ethics Committee for Science & Technology (Dual Use) respectively.
- Intellectual property right issues related to scientific discoveries and their application, such as problems with patents, as well as conflicts of interest regarding spin offs. These issues are tackled by the Valorisation Office within Research, Innovation and Valorisation Antwerp.
- Conflicts arising between a PhD student and their supervisor regarding mutual duties and/or obligations as stipulated in the Charter for PhD students. In the first instance, the General Regulation on Obtaining the Academic Degree of Doctor at the University of Antwerp should be consulted. Interpersonal conflicts. For this, researchers can contact the institutional confidential counsellors or the institution's department for Health and Safety at work.

Course of action

The procedure can only be initiated for suspected transgressions in which a researcher of the University of Antwerp is involved. When, at the time of the suspected transgression, the researcher was affiliated to (an)other institution(s), the Chair of the CWI will contact the relevant authorities of the other institution(s) to discuss the procedure to be followed.

In the event a complaint concerns a researcher from one of the university colleges within the Antwerp University & University College Association, the university college in question can submit a request for advice to the Committee for Research Integrity of the University of Antwerp to handle the case. However, this possibility is only provided if the university college itself does not have a similar committee. In this case, the university college concerned delegates an ad hoc member to the committee who attends the meetings.

Notification

Suspected infractions of research integrity by researchers of the University of Antwerp are to be reported to the contact point, which was installed to this end at the request of the Executive Board. The person who reports the misconduct will be referred to as the complainant. The person who is the subject of the complaint will be referred to as the defendant. Anonymous complaints are not considered. The identity of the complainant should at least be known to the contact point, and can only be disclosed to third parties or to the defendant upon the complainant's explicit and formal approval.

At the complainant's explicit and formal request, his or her identity is to remain exclusively known to the contact point and hence shall not be communicated to the other parties. In this case, the complainant has the right to be represented by the contact point throughout the further procedure.

Notifications that do not fall within the competences of the Committee for Research Integrity are referred by the contact point to the appropriate authority (dean of the involved faculty, individual PhD committee, central mediator, the relevant ethics committee, Valorisation Office within RIVA, etc.), this in close consultation with the Chair of the Committee for Research Integrity.

As a rule, notifications that do fall within the committee's competences are discussed by the entire committee. Depending on the gravity and the scope of the case, the Chair has the right to entrust two committee members with the actual preparation of the case. The course of action is communicated to the complainant by the secretary of the committee. Committee members who are in any way involved in the claim, do not participate in the committee's activities for this particular case.

Further course of action

The complainant will have the opportunity to clarify his/her complaint in front of the entire committee.

If the claim is deemed to be unfounded, a well-argued dismissal report is drawn up by the entire committee. The Chair in any case informs the complainant, who is given access to this report.

If there are grounds for further action, the defendant(s) is/are notified of the procedure and is/are heard by the entire committee. The procedure is to be concluded within a reasonable period of time.

If the committee can come to a conclusion regarding the findings by consensus, a findings report is issued by the entire committee. In case of reasonable doubt, the entire committee establishes a committee of inquiry, composed of experts, which is charged with the completion of the findings report. The committee of inquiry:

- is composed of at least two ZAP members belonging to an independent faculty / department, research unit or research group, and can be expanded with external experts.
- is given a well-defined mandate by the Committee for Research Integrity, including specific factual questions about the suspected misconduct.
- hears the involved parties and may request the cooperation of other staff members if necessary.
- prepares a confidential report for the Committee for Research Integrity.
- is bound by strict confidentiality (incl. its advisors and support staff).
- terminates its activities within a period that is determined by the Chair of the Committee for Research Integrity and that can be extended by the latter in exceptional circumstances.

If, on the basis of the investigation conducted, the infringement against research integrity is clear-cut, the committee describes in its report whether the behaviour is mildly problematic or seriously problematic and takes this distinction into account in its advice to the institution.

The complainant as well as the defendant(s) are notified of the conclusions drawn in the findings report by the secretary of the committee.

Both the complainant and the defendant(s) have the right to consult the findings report, within the bounds of the decree on corporate transparency (*Decreet van 26 maart 2004 betreffende de openbaarheid van bestuur*). They also have the right of reply to specific conclusions raised in the report.

The right of reply is invoked as follows:

The complainant and the defendant(s) are entitled to formulate a response and submit this response to the Chair of the committee no later than one month after being notified of the conclusions in the report. The Chair forwards the response for deliberation to the committee, who can hear the complainant and the defendant(s) if necessary. The committee decides whether there is any ground to revise the report. If such is the case, the committee decides on the procedure to be followed for revision of the report. The complainant and defendant(s) are informed of this decision.

With a view to the follow-up of the committee's report by the institution, the committee's secretariat provides them to the rector and vice-rector of research of the university after the right to reply has been depleted.

The rector and vice-rector research may decide to present the report to the competent disciplinary board in order to initiate potential disciplinary proceedings. The reasons for this decision shall be expressly stated. However, the file is only submitted to the competent disciplinary body after the right to reply as described above has been depleted, and possibly after an advice of the Flemish Committee for Research Integrity has been issued. If an advice has been formulated by the VCWI, the Committee for Research Integrity will first reconvene for a final discussion of the determination report before the file is submitted to the disciplinary board.

External communication

All procedures are confidential. The Chair and the Rector are responsible for all external communication. In case of external communication towards third parties, maximum protection of the privacy of all parties involved is always pursued.

The contact point and the Committee for Research Integrity are listed on the website of the Department of Research Affairs and Innovation of the University of Antwerp, which also contains the procedures to report and handle cases of research misconduct. For the sake of transparency, the committee's annual reports are also published on this website. These contain an anonymized summary of the cases handled by the committee in the relevant calendar year. These are also submitted annually to the Research Board and the Executive Board.

ENCLOSURES:

ETHISCHE CODE VOOR HET WETENSCHAPPELIJK ONDERZOEK IN BELGIE THE
EUROPEAN CODE OF CONDUCT FOR RESEARCH INTEGRITY (ESF, ALLEA)

Annex I: Statement on Dealing with Allegations of Research Misconduct Under United States Public Health Service (USPHS) Research-related Activities for Foreign Institutions.

University of Antwerp has incorporated into its policies and procedures the following approach for dealing with and reporting possible research misconduct when USPHS funds are involved.

1. **University of Antwerp** will designate an official to receive allegations and develop procedures for use by research employees or others who wish to make an allegation of research misconduct involving USPHS funds. This designated official will notify the U.S. Office of Research Integrity (ORI) when an allegation of research misconduct involving USPHS funds is received. Phone: (240) 453-8800. Fax: (301) 594-0043. E-mail: AskORI@hhs.gov.
2. **University of Antwerp** will then work with ORI or other appropriate offices of the U.S. Department of Health and Human Services (HHS) to develop and implement a process for responding to the research misconduct allegation that is consistent with U.S. Federal regulation, 42 CFR Parts 50 and 93.
3. **University of Antwerp** will submit appropriate reports (in English) to ORI that describe the process followed in conducting the investigation, the evidence on which the conclusions of the investigation are based, and if a finding of research misconduct is made, the administrative actions that are taken against the respondent.
4. **University of Antwerp** will inform research employees about the official who is designated to receive allegations and the procedures for the employee or other individuals to make an allegation of research misconduct involving USPHS supported research. This information will also be posted on the organization's web site.
5. **University of Antwerp** certifies that this statement will be a permanent amendment to the institution's procedures for responding to allegations of research misconduct.
6. **University of Antwerp** will submit the "Annual Report on Possible Research Misconduct" to ORI by April 30th of each year. The report is submitted electronically through the ORI web site at <https://ori.hhs.gov>.