

## REGULATIONS

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## PREAMBLE

Researchers at the Vrije Universiteit Brussel must abide by codes relating to Scientific Integrity, including the European Code of Conduct for Scientific Integrity (ALLEA Code) and the VUB Charter of the Researcher.

The Scientific Integrity Commission (CWI) handles complaints about possible Infringements of scientific integrity.

The CWI is independent of the university administration.

The VUB ensures that Reportings made in good faith do not lead to negative consequences for the Notifier.

# CHAPTER 1 - GENERAL

## ARTICLE 1. DEFINITIONS

- Adviser: person who assists the Notifier or Person Concerned
- CWI: Committee on Scientific Integrity of the VUB
- Infringement: infringement of Scientific Integrity
- Investigation Committee: committee, consisting of members of the CWI, which deals with a Reporting
- Notifier: one or more persons filing a Reporting
- Parties: the Notifier and the Person Concerned
- Permanent Members: six full professors, professors or emeriti full professors or professors: one full and one substitute member from the Humanities, one full and one substitute member from the Basic, Natural and Applied Sciences and one full and one substitute member from the Biomedical Sciences
- Person Concerned: one or more persons who may have committed a Violation of Scientific Integrity
- President: president of the CWI
- Procedure: handling of a Reporting
- Reporting: Reporting of a possible Infringement
- Secretary: secretary of the CWI
- Scientific integrity: the rules defined in the European Code of Conduct for Research Integrity (ALLEA Code), the VUB Charter of the Researcher, and other rules, regulations and guidelines on scientific integrity.
- VCWI: Flemish Commission for Scientific Integrity
- ZAP: Independent Academic Personnel

## ARTICLE 2. REMIT OF THE CWI

The CWI investigates Reportings, answers questions on Scientific Integrity and on the CWI regulations, and advises VUB bodies, such as the Academic Council and the Rector, on the policy on Scientific Integrity.

## ARTICLE 3. CONFIDENTIALITY

§ 1. The members of the CWI and all persons involved in the handling of a Reporting are bound to confidentiality and may not make statements about the Reporting, the course of the Procedure or the contents of the file.

§ 2. Confidentiality does not apply to communications made by the President, after consultation with the Rector, or by the Rector, which are justified, after considering all relevant interests. This may concern, for example, the application of measures taken, such as requests to withdraw a publication or the communication of the measures taken to bodies of the VUB, to other institutions with which the Person Concerned is affiliated or to financing institutions, or public communications following press reports about facts to which a Reporting relates.

§ 3. If a party wishes to make statements in connection with the case during the Procedure, it must obtain the prior approval of the President.

§ 4. If, after receiving the final opinion, a party wishes to make statements in connection with the case, such statements must be serene and correct.

## ARTICLE 4. REPORTINGS

§ 1. All persons connected to the VUB are requested to report possible Infringements to the CWI.

§ 2. If the Infringement is related to a conflict between the Parties, the CWI recommends trying to resolve the conflict, possibly with the help of an ombudsperson or another mediator, before filing a Reporting.

## ARTICLE 5. LIABILITY

To the fullest extent permitted by law, the members of the CWI are not personally liable for mistakes committed in their capacity as members of the CWI.

## ARTICLE 6. COMMUNICATION

The CWI can be contacted at [cwi@vub.be](mailto:cwi@vub.be) and Scientific Integrity Committee, p.a. Research Department, Boulevard de la Plaine 2, 1050 Brussels.

## ARTICLE 7. SCOPE OF APPLICATION

Reportings made before the date on which these regulations came into force will be dealt with according to the regulations that were applicable at the time of the Reporting.

## ARTICLE 8. INFORMAL ADVICE

Anyone may informally request information and advice from the CWI about the rules concerning scientific integrity and about the CWI Regulations.

## CHAPTER 2. COMPOSITION OF THE CWI

### ARTICLE 9. MEMBERS

The CWI is composed of the following members:

- a (full) professor or emeritus (full) professor or professor as President
- two ZAP members or emeriti from the Faculty of Law and Criminology as academic legal advisors, one of whom is an effective member and one of whom is an alternate member
- the Permanent Members
- one or more staff members of the Research Department as Secretary
- one or more legal advisors from Research

### ARTICLE 10. CONDITIONS AND INCOMPATIBILITIES

§ 1. The President and the Permanent Members shall have research experience that is sufficiently recent to have the necessary feel for the research field and an irreproachable record of scientific integrity.

§ 2. Membership of the CWI is incompatible with the position of rector, vice-rector, general administrator, director of a central administrative department, dean, ombudsperson, confidential advisor, member of the staff disciplinary committee (Tuchtcommissie) and member of the Feedback, evaluation and promotion committee.

### ARTICLE 11. APPOINTMENT

§ 1. The Academic Council shall appoint members of the CWI for an indefinitely renewable term of four years, as from the date on which the appointment takes effect as determined by the Academic Council.

§ 2. The Academic Council may replace a member of the CWI if the member is unavailable or resigns, or if the Council considers that the member no longer meets the conditions set out in Article 10. In such a case, the replacement shall complete the current term.

§ 3. Members of the CWI shall remain in office until the Academic Council has replaced them.

§ 4. Permanent Members who have been replaced may, at the request of the President, continue to sit on Investigation Committees dealing with Reportings made during their term of office.

## CHAPTER 3. COMPETENCE OF THE CWI

### ARTICLE 12. COMPETENCE

§ 1. The CWI is competent to deal with Reportings regarding researchers who are or were affiliated to the VUB or UZ Brussel at the time of the possible Infringement, and regarding research activities which take place or took place at the VUB or UZ Brussel.

§ 2. The CWI is not competent for Infringements by bachelor or master students.

## CHAPTER 4 - EXECUTIVE BOARD

### ARTICLE 13. COMPOSITION

The Executive Board consists of the President and the Secretary, the legal-academic expert and/or the legal advisor from Research.

### ARTICLE 14. COMPETENCE

The Executive Board:

- provides information and advice on Scientific Integrity and on the CWI Procedure upon request
- decides on the admissibility of Reportings
- may declare Reportings to be manifestly unfounded
- consults with other bodies that are simultaneously competent, in application of Article 31
- nominates the Investigation Committees
- conducts investigations and draws up investigation reports
- corresponds with the Parties
- prepares drafts of preliminary and final opinions
- supervises the follow up of the remediation of Infringements
- has all powers not expressly assigned to the Investigation Committees or to the President.

## CHAPTER 5. INVESTIGATION COMMITTEES WITHIN THE CWI

### ARTICLE 15. COMPOSITION

§ 1. The Investigation Committees consist of:

- the President,
- the academic legal advisor or her or his deputy,
- at least two Permanent Members,
- a Secretary,
- a legal advisor from Research,

all members of the CWI

§ 2. The Executive Board may supplement the Investigation Committees with one or more ad hoc members, familiar with the matter to which the Reporting relates.

## ARTICLE 16. COMPETENCE OF THE INVESTIGATION COMMITTEES

The Investigation Committees:

- decide to conduct investigations and hearings
- appoint experts
- approve investigation reports, in application of Article 35 § 5
- hear the Parties, witnesses and experts during the hearings
- decide on the content of opinions, as provided for in Article 42
- may add new possible Infringements to cases, in application of Article 40
- may propose corrective measures, in application of Article 29
- decide what action the CWI will take on second opinions of the VCWI, in application of Article 44.

## ARTICLE 17. CONFLICT OF INTEREST

§ 1. If a member of an Investigation Committee or an expert has a conflict of interest, the member shall inform the President, who shall appoint a substitute.

§ 2. A conflict of interest exists, for example, when a member has or has had a professional or personal relationship with one of the Parties.

## ARTICLE 18. CHALLENGE

§ 1. The Parties may submit to the CWI a motivated request to challenge a member of the Investigation Committee or an expert, because of a conflict of interest or suspected bias. They have a period of ten working days to do so after the communication of the composition of the Investigation Committee or the appointment of the expert, or after the Notifier or the Person Concerned became aware of a fact that justifies the challenge.

§ 2. The Executive Board shall decide on the request.

§ 3. If the request concerns a member of the Executive Board, the Investigation Committee shall decide.

§ 4. The Secretary shall inform the applicant of the motivated decision.

## ARTICLE 19. METHOD OF DECISION

§ 1. The Investigation Committees decide by consensus. If there is no consensus, the members shall decide by a show of hands and relative majority.

§ 2. The Secretary and the legal advisors from Research shall only have an advisory vote.

§ 3. In case of equality of votes, the President's vote shall be decisive.

## CHAPTER 6. PRESIDENT

### ARTICLE 20. COMPETENCE OF THE PRESIDENT

The President:

- informs the rector at the start of new Procedures
- leads the hearings
- may make proposals to the rector to take provisional measures, in application of article 34
- designates replacements for members of Investigation Committees who have a conflict of interest or who are unavailable
- communicates on CWI cases, in application of Article 3 § 2
- approves possible statements by the Parties on the Procedure, in application of Article 3 § 3
- advises VUB bodies about the policy on Scientific Integrity.

### ARTICLE 21. REPLACEMENT OF THE PRESIDENT

If the President is not available or is challenged, the Permanent Members shall appoint an ad hoc president by a show of hands and relative majority.

## CHAPTER 7 - PROCEDURE

### ARTICLE 22. TERMS

§ 1. Proceedings shall be dealt with within a reasonable period of time.

§ 2. The Bureau may extend the time limits available to the Parties in application of the present regulations, on its own initiative or at the request of the Parties.

### ARTICLE 23. REPORTING

§ 1. The Reporting contains at least the identity of the Notifier and of the Person Concerned, a description of the possible Infringement, the date or period of the possible Infringement, and supporting information. The Reporting must be clearly formulated.

§ 2. The Executive Board may ask the Notifier for additional information.

### ARTICLE 24. ADMISSIBILITY

§ 1. The Executive Board decides on the admissibility of the Reporting, (also) in view of the competence of the CWI as set out in the present regulations and taking into account art. 23 § 1.

§ 2. Anonymous Reportings are not admissible, subject to the right of the CWI to independently initiate a Procedure in application of Article 26.

§ 3. If the Executive Board rules that the Reporting is inadmissible, the Secretary informs the Notifier of this decision and its motivation, and draws the Notifier's attention to the possibility of

submitting a motivated objection to the CWI within two weeks as from the day after the communication of the inadmissibility, after which the Executive Board shall take a final decision.

§ 4. If the Notifier submits a motivated objection in application of § 3, and the Executive Board stands by its decision, the Secretary informs the Notifier of this decision and its motivation, and draws the Notifier's attention to the possibility of seeking a second opinion from the VCWI.

## ARTICLE 25. MANIFEST UNFOUNDEDNESS

§ 1. If the Executive Board judges the Reporting to be manifestly unfounded, the Secretary informs the Notifier of this decision and its motivation, and draws the Notifier's attention to the possibility of submitting a motivated objection to the CWI within two weeks as from the day after the communication of the manifest unfoundedness, after which the Executive Board shall take a final decision.

§ 2. If the Notifier submits a motivated objection in application of § 1, and the Executive Board stands by its decision, the Secretary informs the Notifier of the decision and the reasons for it, and draws the Notifier's attention to the possibility of seeking a second opinion from the VCWI.

## ARTICLE 26. AUTONOMOUS INITIATION OF PROCEEDINGS

The CWI may autonomously initiate a Procedure when it suspects a Infringement, regardless of the source of its information.

## ARTICLE 27. INFORMATION TO THE RECTOR

If the Reporting is admissible and not manifestly unfounded, the President informs the Rector of the initiation of a new Procedure.

## ARTICLE 28. ANONYMOUS PROCEDURE

§ 1. The Notifier may ask to remain anonymous. In that case, only the members of the Investigation Committee and the rector will know the name of the Notifier, and all documents from which the identity of the Notifier could be derived will be excluded from the Procedure or anonymised.

§ 2. If the Executive Board judges that an anonymous Procedure does not allow for an adequate investigation and assessment of the possible Infringement, it will inform the Notifier that the Procedure will be discontinued, unless the Notifier agrees to a non-anonymous Procedure.

## ARTICLE 29. CORRECTIVE MEASURES

§ 1. The Investigation Committee may propose corrective measures at any stage of the Procedure.

§ 2. If the Parties so agree, the Procedure shall be terminated.

§ 3. The Executive Board shall inform the rector of the settlement of the case.

§ 4. If the measures are not sufficiently followed up, the CWI may resume the Procedure.

## ARTICLE 30. WITHDRAWAL OF REPORTING

§ 1. The Notifier may withdraw the Reporting at any time.

§ 2. If the Notifier withdraws the Reporting, the Executive Board may decide to continue the Procedure, possibly without the further cooperation of the Notifier.

§ 3. If the Procedure is discontinued and the rector has already been informed of the Reporting, the Executive Board will inform the rector of the discontinuation of the Procedure.

## ARTICLE 31. SIMULTANEOUS COMPETENCE OF ANOTHER BODY

§ 1. If, in addition to the CWI, another body, within or outside VUB, is competent for the Reporting, the Executive Board may consult with that other body and decide

- that the CWI will handle the Reporting
- that the other body will handle the Reporting
- that the CWI and the other body will each handle part of the Reporting.

§ 2. If, in addition to the CWI, the CWI of another university is also competent, the Executive Board may consult with the CWI of the other university and decide that both CWIs will handle the Reporting together, according to the regulations of the CWI of the VUB or according to the regulations of the CWI of the other university.

## ARTICLE 32. APPOINTMENT OF INVESTIGATION COMMITTEE

If the Reporting is admissible and not manifestly unfounded, the Executive Board appoints an Investigation Committee, in accordance with Article 11.

## ARTICLE 33. INFORMATION TO THE PARTIES

§ 1. The Secretary shall inform the Notifier and the Person Concerned of the start of the Procedure.

§ 2. The Secretary shall provide the Parties with:

- a copy of the Reporting, where appropriate taking into account article 28 regarding the anonymous Procedure,
- in case of an autonomous commencement of a Procedure in application of Article 26: a description of the possible Infringement, the date or period of the possible Infringement, and elements in support thereof
- a non-exhaustive enumeration of the article(s) in the codes relating to Scientific Integrity mentioned in the preamble, which may have been violated,
- a copy of or a link to the CWI regulations,
- the names of the members of the Investigation Committee.

§ 3. The Secretary invites the Person Concerned to respond to the Reporting within two weeks, counting from the day after sending the documents and information mentioned in § 2.

§ 4. The Secretary draws the attention of the Parties to the confidentiality of the Procedure and to the possibility of calling upon an Adviser.

## ARTICLE 34. INTERIM MEASURES

The President may, after having contacted the Party concerned, propose to the rector at any stage of the Procedure to take provisional measures to limit risks for the VUB, to one of the Parties or to third parties. The rector may in this regard consult with the vice rector for Research.

## ARTICLE 35. INVESTIGATION AND EXPERTS

§ 1. At the request of the Investigation Committee, the Executive Board shall conduct investigations, including asking questions to the Parties and to witnesses.

§ 2. The Executive Board may also conduct investigations on its own initiative and, if it deems appropriate, at the request of the Parties.

§ 3. The Investigation Committee may appoint experts.

§ 4. The Secretary shall draw the experts and witnesses' attention to the confidentiality of the Procedure.

§ 5. The Executive Board shall prepare an investigation report and submit it to the Investigation Committee for approval.

§ 6. The Secretary shall submit the investigation report to the Parties, together with a copy of all relevant documents, including statements of and documents submitted by the other Party, experts and witnesses.

§ 7. The Secretary shall invite the Parties to submit any comments within a period determined by the Executive Board.

§ 8. The Secretary shall forward the comments of the Person Concerned to the Notifier and vice versa.

## ARTICLE 36. HEARING

§ 1. At the Investigation Committee's request, the Secretary shall invite the Notifier, the Person Concerned and any experts and witnesses to a hearing.

§ 2. The Notifier and the Person Concerned shall be heard independently.

§ 3. The Parties must attend the hearing in person. They may be assisted, but not replaced, by an Adviser.

## ARTICLE 37. PRELIMINARY OPINION

The Executive Board shall prepare a draft preliminary opinion, according to the guidelines of the Investigation Committee, which shall be submitted to the Investigation Committee for approval.

## ARTICLE 38. REPLY

§ 1. The Secretary shall deliver the preliminary opinion to the Parties.

§ 2. The Parties may submit comments within six weeks as from the day after sending the preliminary opinion.

§ 3. The Secretary shall send the comments referred to in § 2 to the other Party, which may reply within two weeks from the day after the communication.

§ 4. The Executive Board may conduct additional investigations following the responses or reactions to the responses, on its own initiative or at the request of the Investigation Committee.

§ 5. The Investigation Committee may organise a new hearing in accordance with Article 36.

## ARTICLE 39. SECOND PRELIMINARY OPINION

§ 1. If the additional investigation and/or new hearing referred to in article 38 so justifies, the Executive Board shall draw up a second preliminary opinion in accordance with article 37.

§ 2. The Parties may submit comments within six weeks from the day after the second preliminary opinion is sent.

§ 3. The Secretary shall forward the comments referred to in § 2 to the other Party, which may reply within two weeks as from the day after the communication.

## ARTICLE 40. EXPANSION

If, in the course of the Proceeding, the Investigation Committee identifies a new possible Infringement, related to the ongoing Proceeding, it may add it to the case. The rights of the defence must remain guaranteed, including the right of the Parties to comment on investigation reports and preliminary opinions.

## ARTICLE 41. FINAL OPINION

§ 1. The Executive Board shall consider the possible comments of the Parties to the (second) preliminary opinion and prepare a draft final opinion, which shall be submitted to the Investigation Committee for approval.

§ 2. The Secretary provides the Parties with a copy of the final opinion and draws their attention to the possibility of requesting a second opinion from the VCWI.

## ARTICLE 42. CONTENT OF THE OPINIONS

§ 1. The opinions determine:

- that there is no Infringement,
- that there is an Infringement, and/or
- that there is another deficiency.

§ 2. If the CWI establishes an Infringement and/or another deficiency, the final opinion contains a proposal to the rector of remediation under the supervision of the President and/or a recommendation for follow up by the rector.

## ARTICLE 43. COMMUNICATION OF FINAL OPINION TO THE RECTOR

After expiry of the time limit to request a second opinion from the VCWI, the Executive Board shall provide a copy of the final opinion and any relevant documents to the rector.

## ARTICLE 44. VCWI OPINION

If the second opinion of the VCWI differs from the opinion of the CWI, the Investigation Committee decides what action the CWI will take on the second opinion, and the Executive Board informs the VCWI accordingly.

## ARTIKEL 45. FOLLOW UP MEASURES

If the Person Concerned fails to comply or insufficiently complies with the measures imposed in application of Article 42 § 2, the Executive Board may inform the rector and, if necessary, advise to take additional measures.

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