

## Princess Máxima Center for Pediatric Oncology B.V. Scientific Integrity Complaints Procedure

This procedure was adopted by the Executive Board of the Princess Máxima Center for Pediatric Oncology B.V. (hereinafter referred to as 'Princess Máxima Center') on 11 April 2016 and was submitted to the Works Council for approval.

### Introduction

The Princess Máxima Center would like every child with cancer to recover, and it would like to provide every child under its care with an optimal quality of life. Intensifying research on pediatric oncology is important for achieving this objective and for providing the highest level of care. To that end, care and research have been integrated at the Princess Máxima Center. In order to achieve advances in pediatric oncology, the laboratory and the clinic cannot be viewed as separate 'departments'.

Scientific research plays an important role at the Princess Máxima Center and is crucial to increase children's chances of survival and to decrease late effects of treatment. Our ambition is to be the best scientific research institute for pediatric oncology in Europe. We also want to compete with the leading children's oncology research institutes outside Europe, such as St. Jude Children's Research Hospital in the United States. The Princess Máxima Center wants to become a leading international research institute that employs both national and international top scientific talents.

Within the Princess Máxima Center, all persons involved in research bear a personal responsibility to maintain scientific integrity. The general principles of professional scientific conduct should be observed at all times. The Netherlands Code of Conduct for Scientific Practice (VSNU 2005, amended in 2012) provides an elaboration of these principles, to which the Princess Máxima Center also subscribes, and which are further elaborated and explained in its research code.

One of the aids to assess scientific integrity is the right to complain if Princess Máxima Center employees are violating scientific integrity or if they are suspected of doing so. We appreciate being informed of complaints about scientific conduct because this gives us the opportunity to find a solution, and it also helps us to ensure scientific integrity.

## Article 1. Definitions

The following definitions apply under or pursuant to this complaints procedure:

- a) **Institution:** the Princess Máxima Center for Pediatric Oncology B.V.
- b) **Committee:** the committee set up by the Executive Board to deal with complaints alleging violation of scientific integrity;
- c) **Violation of scientific integrity:** acting or failing to act in a way that violates the Netherlands Code of Conduct for Scientific Practice;
- d) **Complaint:** a report about a violation or suspected violation of scientific integrity by an employee;
- e) **Complainant:** a person who approaches the committee with a complaint, either via the Executive Board or by means of a confidential advisor;
- f) **Accused:** the staff member about whom a complaint in respect of conduct has been submitted;
- g) **Employee:** a person who is or has been employed by the institution or is otherwise operating under the responsibility of the institution;
- h) **Confidential advisor:** the person appointed by the Executive Board to serve as the scientific integrity confidential advisor;
- i) **LOWI:** the Netherlands Board on Research Integrity;
- j) **Chairperson:** chairperson of the Scientific Integrity Committee;
- k) **Secretary:** administrative secretary of the Scientific Integrity Committee;
- l) **Principal Investigator:** the person who supervises the employees who have been appointed to his or her group;
- m) **Scientific Advisory Board:** the Scientific Advisory Board of the Princess Máxima Center;
- n) **Supervisory Board:** the Supervisory Board of the Princess Máxima Center;
- o) **Executive Board:** the Executive Board of the Princess Máxima Center.

## Article 2. Purpose of the Complaints Procedure

The complaints procedure is intended:

- a) to promote scientific integrity within the Princess Máxima Center and to take responsibility for the behavior of every researcher who conducts or has conducted scientific work within the institution;
- b) to open up the center for investigation of all complaints about the scientific integrity of its researchers and of well-founded suspicions;
- c) to do justice to the complainant and the accused;
- d) to create an opportunity to restore the relationship between the complainant, the accused, and the institution that is based on mutual trust and equality.

## Article 3. Complaints

### Article 3.1 Methods for Submitting Complaints

1. Anyone has the right to submit a complaint to the committee, either via the Executive Board or the confidential advisor.
2. If the complaint relates to a member of the Executive Board, the complaint can be submitted to the committee either via the Supervisory Board or the confidential advisor. In that case, the committee will advise the Supervisory Board which will then exercise the powers referred to in Article 6.
3. A complainant may submit his or her complaint to the institution in one of the following three ways:

- a) orally or in writing to the accused or his or her supervisor;
  - b) orally or in writing to the confidential advisor;
  - c) in writing to the committee.
4. Any complaint that is submitted to the Executive Board will be forwarded to the committee without delay.

### **Article 3.2 Cooperation**

Everyone is obliged to grant - and to do so within a reasonable period of time - any cooperation the confidential advisor or the committee may reasonably demand in exercising their powers.

### **Article 4. Confidential Advisor**

#### **Article 4.1 Tasks of the Confidential Advisor**

The confidential advisor:

- a) serves as a contact for questions and complaints about scientific integrity;
- b) tries to mediate, where opportunities are discerned, or to solve the complaint amicably in another way;
- c) informs the complainant about submitting a complaint to the committee.

#### **Article 4.2 Appointment of the Confidential Advisor**

1. The Executive Board appoints one or more confidential advisors for a period of four years (after consulting the chairperson of the Scientific Advisory Board). Reappointment is possible for a consecutive period of four years.
2. Requirements for appointment include:
  - being a principal investigator who has extensive experience in research and teaching;
  - having an impeccable academic reputation;
  - the ability to deal with disappointments and conflicts.
3. The Executive Board may terminate an appointment in the interim:
  - at the request of the confidential advisor;
  - if the requirements for appointment are no longer met;
  - if the confidential advisor is performing inadequately (after consulting the chairperson of the Scientific Advisory Board).
4. Members of the Supervisory Board and members of the Executive Board are not eligible to be appointed as confidential advisor.

#### **Article 4.3 Accountability and Confidentiality**

1. The confidential advisor's accountability toward the Executive Board with respect of his or her activities takes the form of an annual report for the benefit of the institution's annual report.
2. The confidential advisor is bound by secrecy regarding matters that become known to him or her during the complaints procedure.

## **Article 5. The Committee**

### **Article 5.1 Tasks of the Committee**

The committee has the following tasks:

- a) To investigate complaints, to form an opinion on the validity of the complaints under consideration by the committee and to advise the Executive Board of any necessary measures to be taken based on the opinion it has formed.
- b) To provide the Executive Board with solicited and unsolicited advice on the institution's policy to prevent violations of scientific integrity, in response to the complaints under consideration by the committee and in response to the outcome of complaints which the institution has received that have been dealt with by means of an intermediary.

### **Article 5.2 Powers**

The following powers are vested in the committee:

- a) Obtaining information from all employees of and organizations within the institution. Requesting access to all documents and correspondence that it deems relevant to assess a complaint.
- b) Hearing or consulting witnesses and experts, whether or not they are affiliated with the institution. A report will be drawn up from such hearings or consultations.

### **Article 5.3 Appointment and Composition of the Committee**

1. The Executive Board will set up a Scientific Integrity Committee (after consulting the chairperson of the Scientific Advisory Board).
2. The committee is formed by the chairperson and at least two other members. At least one of the members is a lawyer. The committee receives administrative support from a lawyer.
3. The committee can temporarily be expanded to include experts who may or may not be affiliated with the university.
4. The chairperson and the members of the committee are appointed for a period of four years by the Executive Board. Reappointment is possible for a consecutive period of four years.
5. Members, who cannot be lawyers, must meet the following requirements to qualify for appointment:
  - being a principal investigator with extensive experience in research and teaching;
  - having an impeccable academic reputation;
  - the ability to deal with disappointments and conflicts.
6. The Executive Board may terminate an appointment in the interim:
  - at the request of the relevant committee member;
  - if the requirements for appointment are no longer met;
  - if the committee member is performing inadequately (after consulting the chairperson of the Scientific Advisory Board).
7. Members of the Supervisory Board, members of the Executive Board and the confidential advisor are not eligible to be appointed chairperson or member of the commission.

#### Article 5.4 Working Procedure

1. Insofar as the committee's working procedure is not set out in these or more detailed regulations, it will be determined by the chairperson.
2. Committee members who have any dealings with persons or circumstances involved in the complaint are not eligible to deal with a complaint.
3. The committee will assess the admissibility of the complaint on the following and other criteria:
  - a) a clear description of the violation or alleged violation of scientific integrity by one or more specific employees of the institution;
  - b) written documents relating thereto, or any other evidence;
  - c) a statement of the complainant's name, position, and contact details;
  - d) at the request of the Executive Board, the committee can investigate a complaint without knowing the identity of the complainant.
4. The committee is authorized, where it sees fit, to refuse to deal with a complaint if:
  - a) the violation took place too long ago, at the committee's discretion;
  - b) the complainant took an unreasonably long time to submit the complaint, at the committee's discretion;
  - c) the complaint has already been examined, is unfounded or of insufficient importance, at the committee's discretion.
5. The committee may allow a complainant the opportunity to supplement the complaint within a period of time stipulated by the committee.
6. The committee will assess the admissibility of the complaint within three weeks of receiving it. If the committee concludes that a complaint is inadmissible, it will advise the Executive Board immediately accordingly.
7. If the committee deems the complaint admissible, it will proceed to substantive examination.
  - The committee will hear any parties that may be involved in the complaint, in the committee's opinion. A report will be drawn up of the hearing.
  - During the hearing, the complainant and the accused may be assisted by counsel.
  - The hearing of the parties involved will take place in each other's presence, unless there are compelling reasons not to do so. In that case, each of them will be informed about what was discussed during the interviews held in their absence.
  - The committee may hear witnesses and experts.
8. Within twelve weeks after receiving the complaint, the committee will issue advice to the Executive Board about the validity of the complaint. If it is not possible for the committee to issue its opinion on the complaint within the time limit, it will notify the complainant and the Executive

Board in writing accordingly, with due indication of the reasons, and stating the period within which it will issue its opinion on the complaint.

9. Committee sessions are not public.

#### **Article 5.5 Accountability and Confidentiality**

1. The committee's accountability toward the Executive Board in respect of its activities takes the form of an annual report for the benefit of the institution's annual report.
2. The committee members, committee secretary and any experts consulted are obliged to treat confidentially any information that they acquire due to their involvement with the committee. They are fully responsible for proper filing and destruction of documents of the committee. The secretary manages the archives of the committee.

#### **Article 6. Follow-up Procedure**

1. The Executive Board forms an initial opinion within four weeks of receiving the committee's advice. The Executive Board informs the complainant and the defendant party of its advice in writing. The committee's advice will be sent together with the Executive Board's initial opinion.
2. The complainant and the accused will be granted six weeks after receiving the notification from the Executive Board to ask the Netherlands Board on Research Integrity (LOWI) to issue advice about the Executive Board's initial opinion, insofar as it concerns violation of scientific integrity. If so requested, the committee will send copies of all documents relating to the complaint to the LOWI.
3. If the complainant or defendant does not request the advice of the LOWI within the period stipulated under 2, the Executive Board will form its opinion on the complaint.
4. If advice has been requested from the LOWI, the Executive Board will consider LOWI's opinion when forming its own final decision.

#### **Article 7. Publication**

Upon completion of the procedure, the advice of the LOWI will be published on the LOWI website in an anonymous form.

#### **Article 8. Press**

Statements to the press about a complaint will be made by the Corporate Communications Department, as indicated by the Executive Board and after consultation with the directly concerned employee(s) of the institution and the committee, and with consent from the complainant.

The accused person or persons must explicitly provide permission for making statements to the press. However, if the interests of the Princess Máxima Center

are so great that refusal of consent is not justified, statements can be made to the press without consent from the accused.

The right to give consent by the accused person or persons also ceases to exist if he or she seeks out the press.

#### **Article 9. Protection of Those Involved**

Submitting a complaint subject to these procedures cannot result in any disadvantage to the complainant, either directly or indirectly, unless the complainant did not act in good faith. The same applies to witnesses, experts, confidential advisors, and committee members.

#### **Article 10. Amendment of Complaints Procedure**

This complaints procedure can only be amended by the Executive Board.

#### **Article 11. Entry into Force of Complaints Procedure and its Publication**

This complaints procedure shall enter into force at the time of adoption by the Executive Board. This complaints procedure will be submitted for approval to the Works Council of the institution. After adoption by the Executive Board, this complaints procedure will be published on the institution's website.

#### **Article 12. Final Provision**

The Executive Board will take a decision in any case to which the complaints procedure does not apply, after consulting the committee.