

## Summary of LOWI opinion 2018-07

Keywords: academic responsibility of university, research in a personal capacity, scope of university's complaints procedure

Board involved: Executive Board, VU Amsterdam

### *Petition*

According to the Petitioner, a report by an emeritus professor at VU Amsterdam displays various shortcomings and he doubts the independence of the author.

### *Opinion of the Research Integrity Committee (RIC) and decision by the Board*

The author is affiliated, as an emeritus professor, with a VU research group and also accepts assignments in a personal capacity. On the basis of the letter commissioning the report, the RIC concluded that the author carried out the assignment in a personal capacity. The report was therefore not written subject to the academic responsibility of the VU. That is not made any different by the statement in the report that the author is affiliated with a research group. The Board adopted the opinion of the RIC.

### *The Petitioner's most relevant objections are as follows:*

The Petitioner disagrees with the decision by the Board. In the report, the author explicitly mentions his affiliation with the VU. The references to that affiliation with the research group and to the author's academic titles imply that the report is of a certain quality.

### *The most relevant considerations in the LOWI's opinion:*

- According to the VU's Complaints Procedure, a complaint can be submitted about a VU employee. The LOWI finds that a researcher falls within the scope of the Complaints Procedure if he has conducted his research subject to the responsibility of the VU. What is decisive is not whether the scientist is employed by the VU.
- The LOWI finds that the report was not written subject to the responsibility of the VU. The author is an emeritus professor who enjoys hospitality and is affiliated with the research group. He sometimes conducts research in collaboration with members of the research group. That research falls under the responsibility of the VU. The RIC rightly concluded that the author carried out the research in a personal capacity: the letter commissioning the report is addressed to the author personally and directed to his private address, acceptance of the assignment did not go via the VU, and the revenues for preparing the report were not transferred to the VU. The report was not therefore produced within the framework of the academic environment.
- Since the report was not written subject to the responsibility of the VU, it does not fall within the scope of the VU's Complaints Procedure and cannot be reviewed under the Netherlands Code of Conduct for Academic Practice. The question of whether the report can be regarded as academic practice will not therefore be dealt with by the LOWI. The same also applies to the Petitioner's substantive arguments regarding the soundness of the report.

LOWI ruling and opinion:

The LOWI considers the petition unfounded and has recommended that the Board adopt its decision unamended as its final decision. However, the LOWI does advise the Board to request the author to indicate explicitly in future studies that he is carrying them out in a personal capacity and to no longer mention the name of the university.

Final decision by the Board:

The Board follows the LOWI's opinion and maintains the position that the study was carried out in the author's personal capacity and without the intervention of the university, and was therefore not carried out subject to the responsibility of the university. In order to avoid any confusion about his position and the scope of the university's responsibility, the university has requested the author to state clearly in future assignments that he is an emeritus professor and not to mention his affiliation with the research group, in particular when assignments are concerned that fall outside the university's sphere of influence.