

Annual Report 2022 – LOWI Advisory Committee



LOWI Report on the Year 2022

Amsterdam, June 2023

Landelijk Orgaan Wetenschappelijke Integriteit (LOWI)
P.O. Box 19121, 1000 GC Amsterdam
T +31-(0)20-551 0719
secretariaat@lowi.nl
www.lowi.nl

© Illustration on cover:

The crow in borrowed feathers (colour etching), J.W.M. van der Meer, 2014

Foreword

The year 2022 again showed the wide range of questions concerning research integrity that were brought to the attention of the LOWI Advisory Committee ('LOWI'). In our 2021 Annual Report we had mentioned petitions that seemed to have been submitted for reasons other than a wish to obtain a ruling on possible breaches of research integrity. In 2022, too, we dealt with quite some petitions that seemed to be driven predominantly by a wish to conduct a societal debate through the complaints procedures of Research Integrity Committees ('RICs') and the LOWI (Advisory Opinion 2022-18, for example). However, there were also other petitions on which rulings on culpable shortcomings in research (see, for example, Advisory Opinions 2022-03 and 04) or plagiarism (Advisory Opinion 2022-15) were clearly required.

Of the nineteen advisory opinions issued, the petition was ruled to be well-founded in three cases. This represented a significant decrease compared with 2021, when eight of the twenty-two advisory opinions issued were considered to be well-founded. The LOWI does not have the impression that it adopted a different or more cautious response in the advisory opinions it issued in 2022. It is also worth noting that the LOWI and RICs now seem more often to be in agreement, with the RICs increasingly gaining experience and making use of advisory opinions issued by the LOWI in previous years. Another possible explanation is that the LOWI has increasingly been considering the substantive aspects of complaints. In Advisory Opinions 2022-03 and 2022-04, for example, it expressed concerns about the many objections of a procedural nature submitted by the petitioner. These prompted the LOWI to choose to examine the question of whether the investigating of the specific research met the requirements for the scrupulous handling of complaints by assessing the entire procedure applied by the RIC and the institution's board. This meant the LOWI no longer issuing a ruling on each separate stage of the procedure.

The 2018 Netherlands Code of Conduct for Research Integrity is expected to be reviewed within the foreseeable future. This will include a review of how the LOWI interprets the Code of Conduct, given that reactions from institutions' boards show differing ways of interpreting the term 'research'. The LOWI interprets the term broadly and assumes, for example, that opinions expressed in daily newspapers (Advisory Opinions 2022-01 and 2022-02), communications on social media (Advisory Opinion 2022-07) and acting as a research adviser (Decision 2022-06) should be regarded as constituting the conducting of research, having previously ruled along similar lines in respect of press releases. Researchers enjoy a greater degree of freedom in media communications than in publications in academic journals and, when assessing whether conduct is in line with the Code of Conduct, the LOWI also takes account of the nature of the research.

This year, too, various important matters were considered in the advisory opinions issued by the LOWI, including the relationship between research integrity and academic freedom (Advisory Opinion 2022-14), discussions on applying for and obtaining grants (Advisory Opinions 2022-12 and 2022-08) and problems arising between a supervisor and PhD student (Advisory Opinion 2022-19). Some of these problems also included aspects relating to a safe working environment, to which attention was drawn in the report by the Royal Netherlands Academy of Arts and Sciences (KNAW) entitled *Social Safety in Dutch Academia: From Paper to Practice*.

Dr E.J. Daalder
Chair

1. Composition

The LOWI comprised the following members in 2022:

| | |
|---|------------------------|
| Dr E.J. Daalder, chair | Administrative law |
| Prof. H.E. Bröring, deputy chair | Administrative law |
| Prof. L. Lechner | Health psychology |
| Prof. J.P. Hogendijk (<i>to 1 September 2022</i>) | History of mathematics |
| Prof. J.G. van Erp | Regulatory governance |
| Dr J. Tijdink | Psychiatry |
| Prof. H.G. Brunner | Genetics |
| Dr P. Vuijk | Educational psychology |
| Prof. N.P. Landsman (<i>from 1 October 2022</i>) | Mathematical physics |

2. Status

The LOWI is governed by Stichting LOWI, a foundation that also publishes an annual report. We refer to this foundation's annual report for more information.

3. Tasks

The LOWI is an independent advisory body within the complaints procedure for investigating alleged research misconduct. It advises affiliated institutions that conduct scientific and other academic research. Rather than issuing advisory opinions at its own initiative, it issues them only on request. It assesses whether the institution's RIC conducted its complaints procedure with due care, whether research integrity standards were breached and, if so, how such breaches should be categorised. Based on the LOWI's advisory opinion, the relevant institution's board then issues a final ruling on whether a researcher breached the applicable standards.

4. Affiliated institutions

The following institutions were affiliated to the LOWI in 2022:

- the founders – the Royal Netherlands Academy of Arts and Sciences (KNAW), the Dutch Research Council (NWO) and Universities of the Netherlands (UNL, formerly VSNU) – and their institutes
- the public and special universities, including the university medical centres and the Open University
- Sanquin Blood Supply Foundation
- University of Humanistic Studies
- National Institute for Public Health and the Environment (RIVM)
- Wageningen Research Foundation
- Netherlands Institute for Health Services Research (NIVEL)
- Theological University of Apeldoorn (TUA)
- Kampen Theological University (TU Kampen)
- Protestant Theological University (PThU)
- Amsterdam School of Real Estate (ASRE)
- Princess Máxima Center for Pediatric Oncology
- Royal Netherlands Meteorological Institute (KNMI)
- Nyenrode Business University (NBU)

- Research and Documentation Centre (WODC)
- Netherlands Bureau for Economic Policy Analysis (CPB)
- Netherlands Environmental Assessment Agency (PBL)
- Netherlands Institute for Social Research (SCP)
- Netherlands Association of Universities of Applied Sciences
- Netherlands Organisation for Health Research and Development (ZonMw)
- Netherlands Institute for Transport Policy Analysis (KiM)
- Netherlands Cancer Institute (NKI) (*from 1 December 2022*)

5. Advisory opinions issued in 2022

[Advisory Opinion 2022-19 issued to VU Amsterdam](#)

This case involved a conflict between a PhD student not employed by the university and an associate professor. The power relationship between the two individuals was not based on equality, given that the associate professor was hierarchically senior to the PhD student. The issues at stake in the conflict included authorship and the order in which authors should be listed.

[Advisory Opinion 2022-18 issued to the University of Humanistic Studies](#)

A petition submitted by an association participating in a specific societal debate and ultimately seeking to amend legislation was ruled to be unfounded. The debate in question referred to publications by the relevant researcher. The LOWI is increasingly seeing complaints procedures being used for the purposes of promoting societal debate and it questions whether RICs and the LOWI are the appropriate bodies to investigate such complaints.

[Advisory Opinion 2022-17 issued to Leiden University](#)

A researcher wrote a working paper on an international conflict. The LOWI assessed various aspects of the complaint that the petitioners claimed were, wrongly, not specifically assessed by the RIC. The LOWI ultimately concluded that this matter primarily involved a political controversy, for which RICs and the LOWI are not intended to be used.

[Advisory Opinion 2022-16 issued to the University of Twente](#)

A professor alleged that a former colleague was the principal editor of a 'predatory journal' in breach of standard 52. The LOWI found that the arguments raised cast doubt primarily on the intentions and actions of the particular journal, but not on the claim by the professor's former colleague that he had nothing to do with the journal.

[Advisory Opinion 2022-15 issued to Leiden University](#)

This case involved a thesis manuscript that did not meet the research integrity standards on the grounds of plagiarism, of which it contained multiple examples. This is a serious matter in the humanities, even though the case in question did not involve the plagiarising of ideas, but rather of sections detailing methods. The LOWI had concerns about the way in which the supervisor interpreted his role.

[Advisory Opinion 2022-14 issued to the University of Twente](#)

This petition was ruled to be unfounded. Where a researcher is involved in the public and academic debate, recourse should not be sought too quickly to the Code of Conduct as the basis for alleging a breach of research integrity. The Code of Conduct is not intended to deter researchers from becoming involved in the public debate.

[Advisory Opinion 2022-13 issued to Utrecht University](#)

This case involved a complaint by breeders about a research commission. The RIC and LOWI found the animal researcher not to have breached standards in the Code of Conduct. Whether there were any methodological errors or 'bad science' are matters for substantive discussion in the scientific debate and not in a complaints procedure concerning research integrity.

[Advisory Opinion 2022-12 issued to Maastricht University](#)

The LOWI found that by violating the duty of care, the petitioner had breached the Code of Conduct. In the amended research proposal the petitioner had relied heavily on earlier research proposals and ideas of the interested party. The petitioner should not have done so in this way. Given the petitioner's position and experience, this was categorised as questionable conduct.

[Advisory Opinion 2022-11 issued to Erasmus Medical Center](#)

This case involved a PhD that had become derailed. The former PhD student was found to have violated research integrity and demonstrated questionable conduct regarding issues such as co-authorship. The LOWI advised notifying the RIC that an accused researcher should in future be questioned in an oral hearing.

[Advisory Opinion 2022-10 issued to Wageningen University & Research \('WUR'\)](#)

The petitioner complained about information on the WUR website that he considered to be misleading. The information provided conveyed the context and purpose of a particular line of research. The RIC correctly found the complaint to be inadmissible on the grounds that the Code of Conduct was not applicable. See also Advisory Opinions 2021-15 and 2022-09.

[Advisory Opinion 2022-09 issued to Erasmus Medical Center](#)

This case involved a statement about the corona virus that was published as 'correspondence' in a leading academic journal. It was found not to constitute a breach of research integrity. See also Advisory Opinion 2021-15.

[Advisory Opinion 2022-08 issued to the Dutch Research Council](#)

A PhD student was found not to have been given appropriate recognition by researchers, one of whom was the student's supervisor, in a grant application. The researchers were found to have acted without sufficient care. They should also have been more transparent in their communications. They were not found, however, to have breached research integrity.

[Advisory Opinion 2022-07 issued to Wageningen University & Research](#)

This case involved a researcher who complained about being removed from a project after a Twitter post. The LOWI found insufficient grounds to justify testing this action against the Code of Conduct. The fact that the petitioner was removed from the project did not fall within the scope of the Code of Conduct and was instead a labour dispute.

[Decision 2022-06 issued to Tilburg University](#)

The LOWI decided not to continue considering the petition on the grounds that the petitioner had breached the duty of confidentiality. While acting as a research adviser may in itself constitute practising the profession of a researcher, this was not the case in respect of the draft report to which the complaint in this matter related.

[Decision 2022-05 issued to Maastricht University](#)

In principle there is no obligation from a research integrity perspective for researchers to publish research conducted.

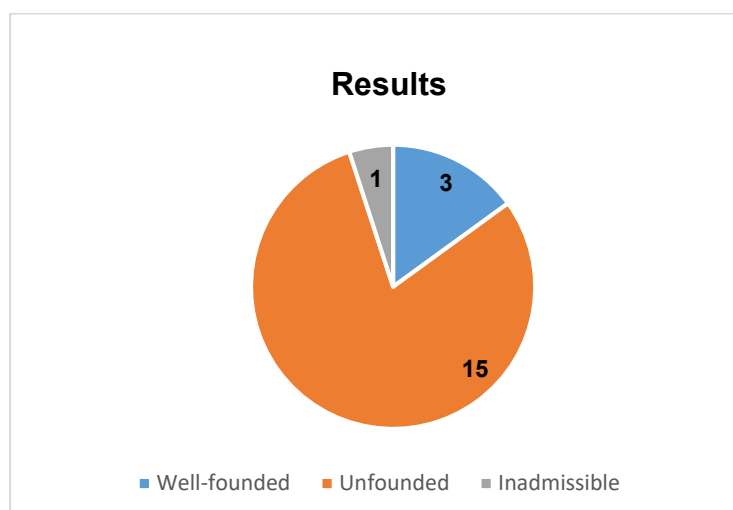
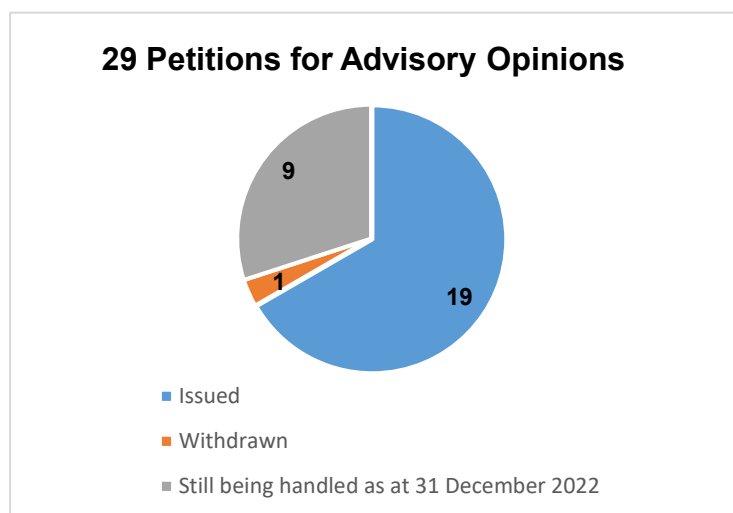
[Advisory Opinions 2022-03 and 04 issued to TU Delft](#)

While the shortcomings in this case could not be regarded as mere errors, they did not involve intent and so did not constitute a breach of research integrity. The researchers' actions were, however, careless and, in one specific case, culpably careless. The LOWI also concluded that the complaints procedures created an atmosphere of legal action, which it regarded as an unwelcome development.

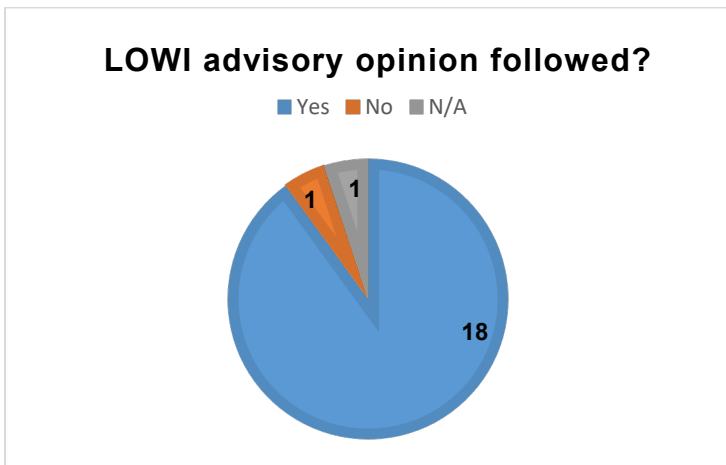
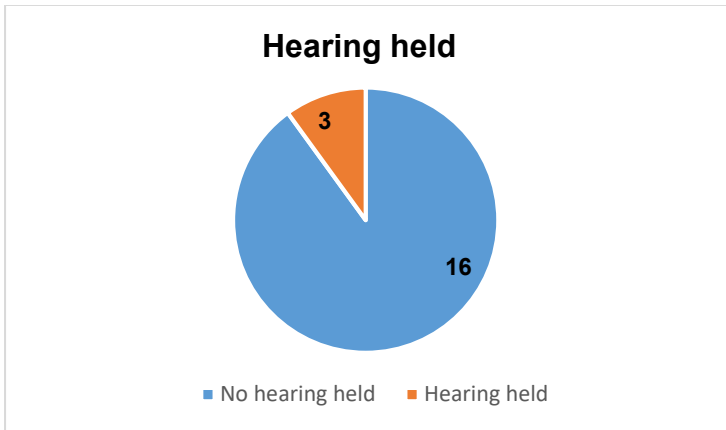
[Advisory Opinions 2022-01 issued to the Royal Netherlands Academy of Arts and Sciences and 2022-02 issued to Leiden University](#)

The Code of Conduct was found to apply to an opinion published in a leading national daily newspaper and contributing to the academic debate on the costs of migration. While this opinion was expressed in a popular science context, academic arguments were used and the author's research positions were mentioned.

6. 2022 in figures



Fewer petitions were considered by the LOWI to be well-founded in 2022 (3) than in 2021 (8).



The category 'N/A' relates to case 2022-06, in which rather than issuing an advisory opinion, the LOWI decided not to consider the petition because the researcher had breached the duty of confidentiality. The case in which the LOWI's advisory opinion was not followed was case 2022-19, in which it was ruled *inter alia* that the researcher in respect of whom the complaint had been submitted had acted carelessly when submitting the manuscript to a journal and that this qualified as a minor shortcoming. The institution's board chose not to follow the LOWI's advisory opinion and stated that it was not clear which standard in the 2018 Netherlands Code of Conduct for Research Integrity had been breached by the researcher, such that the board could not categorise the transgression.

Handling times



Source: vecteezy.com

The average time for handling petitions for advisory opinions in 2022 was 24 weeks, which was three weeks longer than in 2021. The longest time taken to handle a petition was

39 weeks (in cases 2022-03, 2022-04 and 2022-12), partly because of the complexity of these cases. This applied particularly with regard to cases 2022-03 and 2022-04, in which the parties also consistently – and understandably – made maximal use of the opportunities to extend the periods available for a reaction. Another issue was that, in all three of these cases, a hearing had to be scheduled. In practice, arranging for a hearing can prove difficult in the short term. Owing to a miscommunication about the language to be used in case 2022-12, the hearing had to be postponed in order to give the petitioner the opportunity to arrange for an interpreter. More generally, leave taken by the secretariat resulted in slightly more time being required to handle cases in 2022.

7. In summary

While the number of petitions handled by the LOWI in 2022 remained largely the same, the number of cases on which an advisory opinion was finalised was lower than in 2021. In comparison with 2021, the LOWI also held more hearings and considered fewer requests to be well-founded. As in 2021, the LOWI's advisory opinions were followed in almost all cases. Various circumstances resulted in the time taken to complete the handling of cases being three weeks longer than in 2021. The LOWI hopes to see improvements in this respect in 2023.