

Summary of LOWI opinion 2017-13

Keywords: language of communication for proceedings, audio recordings of hearing, PhD supervisor, co-authorship, complaints proceedings (deadline)

Relevant provisions: Article 2:6(1) of the General Administrative Law Act (Awb), Article 9:10 Awb, Article 9:11 Awb, Article 4(4) of LOWI's Procedures [*Werkwijze LOWI*], Elaboration 1.10 of the Netherlands Code of Conduct for Academic Practice

Petition

According to the Petitioner, his PhD supervisor violated research integrity in a number of ways, namely by asking him to stop working on a paper, by adapting the Petitioner's piece to please potential reviewers, by neglecting supervision of the Petitioner, by not having the necessary expertise for the supervision, by naming the Petitioner as co-author without his consent or knowledge, and by copying quotes without mentioning the source.

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

The RIC considers that there is no question of a violation of the principles of research integrity. The request that the Petitioner pay more attention to a different paper was made with a view to the phasing of the research. The advice to the Petitioner to write his paper in such a way that it would stand up to rigorous scrutiny is sensible and scientifically sound. The supervision provided by the supervisor cannot be regarded as inadequate. There is no evidence of intentional neglect or gross negligence. It is true that it was only after the publication had been submitted that the supervisor asked whether the Petitioner agreed to be mentioned as co-author. That order of actions is not ideal, but it cannot constitute a violation of scientific integrity. The RIC recommended that the Board should rule the complaint unfounded. The Board resolved to adopt the RIC's conclusions.

The Petitioner's most relevant objections are as follows:

- The Petitioner adheres to the grounds that he has argued in his complaint. One of those grounds, namely the lack of expertise on the part of the supervisor, was not dealt with by the RIC.
- The RIC's opinion misrepresents statements made at the hearing. In order to substantiate his position, the Petitioner requested the audio recordings of the hearing, but that request was denied.
- The complaints proceedings took more than a year.

The most relevant considerations in the LOWI's opinion:

- As regards the duration of the complaints proceedings, the Petition is well-founded. In the opinion of the LOWI, however, exceeding the (statutory) period for the proceedings is no reason to doubt the care or accuracy of the RIC's opinion or of the decision.
- In the opinion of the LOWI, the supervisor's choice of a certain phasing for the project does not conflict with research integrity. Making such a choice is in keeping with his role as a supervisor and had to do with deadlines that needed to be met.
- Like the RIC, the LOWI finds that the Petitioners' misgivings about the review procedure have been insufficiently substantiated. The e-mails submitted by the Petitioner between the

editor and the supervisor do not substantiate his complaint, and the fact that the supervisor knows the editor is insufficient to doubt his research integrity.

- The LOWI concurs with the RIC in concluding that the supervisor did not seriously fail in his supervision of the Petitioner. Nor did the Petitioner substantiate that view in any further detail. With regard to the alleged lack of expertise on the part of the Interested Party, the LOWI notes that the RIC did not take that component of the complaint into account in the investigation. In the opinion of the LOWI, there is no question of a violation of Article 1.10 of the Netherlands Code of Conduct for Academic Practice. The Petitioner has not made it plausible in any way that the supervisor accepted duties for which he lacks the necessary expertise. The supervisor rebutted the Petitioner's allegation, with substantiation, by submitting his curriculum vitae and a list of publications. The mere finding that the supervisor and the Petitioner have a scientific difference of opinion is insufficient to assume that the supervisor does not have the necessary expertise. Nor has it become apparent that the supervisor has insufficient expertise in the research field concerned.
- The LOWI does not concur with the Petitioner in his view that the RIC should have concluded that the supervisor violated research integrity. The offer of co-authorship must be made prior to publication. The supervisor was aware of the Petitioner's objection to being mentioned as a co-author. It was only on the day when the paper was submitted that the supervisor asked the Petitioner whether he agreed to be named as co-author, but after he objected the Petitioner's name was deleted. That swift correction means that it cannot reasonably be asserted that the supervisor has violated research integrity.

LOWI ruling and opinion:

The Petition is well-founded as regards the exceeding of the (statutory) period permitted for dealing with the complaint and the completeness of the investigation of the alleged lack of expertise of the supervisor. The complaint is otherwise unfounded. The LOWI recommends that the Complaints Procedure be brought into line with Article 9:11 of the General Administrative Law Act (Awb).

Final decision by the Board:

The Board has decided to adopt the LOWI's opinion and to adopt the proposed decision as its final decision. The Complaints Procedure will be brought into line with the Awb.