

## Summary of LOWI opinion 2018-02

Keywords: significant contribution, criteria for co-authorship, recusal of Research Integrity Committee (RIC)

Relevant provisions: Elaboration 1.4 Netherlands Code of Conduct for Academic Practice, Chapter 9 General Administrative Law Act (Awb)

Board involved: Executive Board, VU Amsterdam

### *Petition*

The Petitioner's complaint concerns the announced withdrawal of his co-authorship of an intended scientific publication, despite the fact that the Petitioner made a substantial contribution to that publication and that the co-authorship was initially acknowledged by the first author of the publication.

### *Opinion of RIC and decision by the Board*

The RIC found that the Petitioner cannot be regarded as co-author of a scientific publication. The Petitioner did not make any substantial contribution to the scientific supervision of the study by the first author, nor did he make any demonstrable substantial contribution to formulating his research hypothesis. The Board of VU Amsterdam resolved to adopt the RIC's conclusions.

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

- The Petitioner argues that there is a violation of due process. The RIC issued a draft opinion before the Petitioner was able to respond to a report of the hearing. According to the Petitioner, there is bias (or the appearance of bias) and the RIC and the Board did not respond to his request to the RIC that it withdraw.
- The finding that the Petitioner was not involved in formulating the hypothesis or the study is incorrect and inadequately substantiated. The Petitioner contributed the hypothesis and the primary theoretical framework.

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

- By virtue of its function, the RIC is presumed to be impartial unless a special circumstance arises which provides a serious indication for finding that it is biased, or that there is an objectively justified fear of this on the part of a party. It is up to the party concerned to make a plausible case that that situation has occurred. In the opinion of the LOWI, the course of events surrounding the drawing up of the first draft opinion and the Petitioner's scant confidence in the careful handling of his complaint by the RIC cannot be regarded as a serious indication of bias. The same applies to the incorrectness of the opinion alleged by the Petitioner.
- Elaboration 1.4 of the Netherlands Code of Conduct for Academic Practice provides that authorship shall be acknowledged and that the rules common to the academic discipline shall be observed. In previous opinions, the LOWI has ruled that the substantial (scientific) contributions made by others to scientific publications should be acknowledged and expressed recognisably. A person who has made such an essential (scientific) contribution to a scientific publication should be credited as co-author in that publication. That essential

contribution can consist of writing portions of text or critically revising them, designing and conceiving a research project, or sharing or interpreting research results or research data. It is also important when acknowledging authorship that the rules common to the academic discipline are observed.

- What rules are common to the academic discipline is shown in the conditions that the journal concerned applies regarding co-authorship. The LOWI concludes from this that a person who has participated sufficiently in the activities mentioned there (*“conception or design of the work, acquisition, analysis, or interpretation of data; creation of new software used in the work, have drafted the work or substantively revised it”*) can be considered to be a co-author.
- The LOWI finds that the Petitioner’s main scientific contribution consisted of guiding the direction of the research and the hypothesis, contributing relevant literature, and the measurement method used. The Petitioner’s contribution complies completely with the conditions to be eligible for co-authorship, as was also stated when the scientific article was presented.

LOWI ruling and opinion:

The LOWI considers the petition to be founded in so far as it concerns the finding that the Petitioner did not need to be credited as a co-author in the scientific publication, and has recommended that the Board adopt the final decision in accordance with the LOWI’s considerations.

Final decision by the Board:

The Board has decided to concur with the LOWI’s opinion with the exclusion of the LOWI’s reasoning regarding the General Administrative Law Act nature of the complaint proceedings. The previous decision by the Board will be revised. The Petitioner’s complaint is well-founded in the sense that the Petitioner should be mentioned as a co-author in any future publication resulting from the Interested Party’s internship. Furthermore, the Board has proposed to the Petitioner and the Interested Party that there be a discussion with an independent mediator proposed by the Board.