

Summary of LOWI opinion 2018-08

Keywords: competence of LOWI, duty to forward to Research Integrity Committee (RIC)

Relevant provisions: Article 7.2 of the LOWI Regulations (2014)

Board involved: Executive Board, VU Amsterdam

Petition

According to the Petitioners, a report by an author affiliated with VU Amsterdam (VU) was not drawn up with integrity and they request the VU to investigate this. The Board informed the Petitioners by e-mail that it was not possible to investigate the report because the assignment was issued to the author in a personal capacity and was not carried out subject to the responsibility of the university.

The Petitioners' most relevant objections are as follows:

The Petitioners disagree with the Board. The report states that the author carries out work with a VU research group and he is included in a list of employees and professors on the VU's website.

The most relevant considerations in the LOWI's opinion:

- It was sufficiently clear that the Petitioners intended to file a complaint regarding integrity. The Board should have forwarded the complaint to the RIC. The e-mail from the Board states that it is not up to the university to conduct an investigation or make statements about the research. In the opinion of the LOWI, this e-mail cannot be classified otherwise than as a refusal to take a decision on a complaint about a violation of research integrity.
- According to the VU's Complaints Procedure, a complaint can be submitted about a VU employee; the Complaints Procedure also specifies the conditions for someone to be considered an employee. As regards determining whether a researcher falls within the scope of the Complaints Procedure, the LOWI considers it to be decisive whether he/she has conducted his/her research subject to the responsibility of the university.
- Given the LOWI's previous opinion 2016-05 on this subject, the LOWI concludes that the research report was not written subject to the responsibility of the university. 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. Furthermore, it did not become apparent that the VU or other employees were involved in performing the assignment. Nor were the revenues from the assignment received by the university. The research report does not fall within the scope of the VU's Complaints Procedure and therefore cannot be reviewed under the Netherlands Code of Conduct for Academic Practice.

LOWI ruling and opinion:

The LOWI finds that the complaint is unfounded. The LOWI advises the Board to declare the Petitioners' complaint unfounded. The LOWI also advises 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.