

Annual Report 2014

LOWI report on the year 2014

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Foreword

Established on 1 May 2003, the Netherlands Board on Research Integrity (LOWI) is a joint initiative of the Royal Netherlands Academy of Arts and Sciences (KNAW), the Association of Universities in the Netherlands (VSNU), and the Netherlands Organisation for Scientific Research (NWO). Now that its new Regulations have gone into effect, the LOWI has been obliged, since 1 January 2014, to issue an annual report covering the previous year. The present report describes relevant trends and events in 2014.

On 1 December 2014, Prof. C.J.M. Schuyt stepped down as the LOWI's chair after almost nine years. Prof. Schuyt was instrumental in putting the LOWI on the map and has developed and shaped the LOWI's case opinions concerning violations of the principles of research integrity, a process that continues today. Prof. Schuyt has described his work of the past nine years in *Tussen fout en fraude. Integriteit en oneerlijk gedrag in wetenschappelijk onderzoek* [Between error and deceit. Integrity and dishonesty in scientific research] (Leiden University Press, Leiden 2014). This splendid book inspires us to continue setting standards for research integrity, something for which the LOWI is truly grateful to Kees Schuyt.

Prof. R. Fernhout, LOWI Chair

Composition of the LOWI in 2014

The LOWI has six members, including its chair and deputy chair.

Members are appointed for a three-year term by the LOWI's founders and may be reappointed for a further two terms of three years each. From 1 May 2006 to 1 December 2014, Prof. C.J.M. Schuyt served as the LOWI's chair. He was succeeded on 1 December 2014 by Prof. R. Fernhout, with Prof. E.H. Hondius serving as deputy chair. The LOWI's other members in 2014 were Prof. J. Hartog, Prof. J.W.M. van der Meer, Prof. J. Reedijk and Prof. I.E.C. Sommer. Prof. Hartog joined the LOWI on 1 May 2006, Prof. Van der Meer and Prof. Reedijk on 1 September 2012 (replacing Prof. J.J. Sixma and Prof. J.F.G. Vliementhart) and Prof. I.E.C. Sommer on 1 April 2014 (replacing Prof. C.H. Sieburgh).

The members represent various disciplines and subdisciplines, specifically: sociology of law (Prof. Schuyt); administrative law (Prof. Fernhout); comparative (European) private law (Prof. Hondius); micro-economics (Prof. Hartog); internal medicine (Prof. Van der Meer); inorganic chemistry (Prof. Reedijk); and psychiatry (Prof. Sommer).

Since its establishment, the LOWI has had an official secretary. Dr E.G. van Arkel served in this capacity in 2014. Since 2013, the official secretary has had an assistant, Ms A. Muller.

Status of the LOWI

Since its founding, the LOWI has held its meetings and hearings at the Trippenhuis Building, Kloveniersburgwal 29 in Amsterdam. The LOWI operates independently of its founders and all other institutions. Its autonomous status was confirmed by a judicial ruling issued on 22 May 2013. Based in part on this ruling, the LOWI must also (preliminary) be regarded as an administrative authority.

LOWI tasks and scope of work

According to the order establishing the LOWI, its task is to advise the boards of affiliated institutions on decisions (or preliminary decisions) concerning possible violations of the principles of research integrity. The board of an affiliated institution takes a decision (or preliminary decision) in response to a complaint submitted by an individual concerning an alleged violation of the principles of research integrity. Parties involved in such a procedure may ask the LOWI's opinion of that decision (or preliminary decision). The LOWI will consider the request provided that it meets all the official requirements of eligibility. These requirements have been set out in the LOWI Regulations and the LOWI Procedures, published on the LOWI's website. See below under "LOWI website".

At the request of a petitioner, board or interested party, the LOWI may advise on procedural matters prior to the start of its procedure, but not on the substance of a case.

The above description of the LOWI's tasks also describes its scope of work.

It is possible that the LOWI's tasks will be extended, according to *Vision for Science in 2025* [*Wetenschapsvisie 2025*], the science policy document submitted to the Dutch House of Representatives on 25 November 2014 by the Minister of Education, Culture and Science, Jet Bussemaker. Section 2.3 of that document states that the Government is pleased that a growing number of institutions have joined the LOWI, and that, given the LOWI's position and purpose, the Government will consider giving it further support, for example by extending and creating a statutory basis for its role and competences.

LOWI affiliated institutions

In 2003, the affiliates of the LOWI consisted of its founders, i.e. the Royal Academy and its institutes, the NWO and its institutes, and the VSNU (the fourteen Dutch research universities and their university medical centres). In 2004, Sanquin Blood Supply also joined the LOWI.

There was a sharp rise in the number of requests to join the LOWI in 2013 and 2014, resulting in seven new institutions becoming affiliates in 2014. They are (listed in chronological order):

- [University of Humanistic Studies](#)
- [National Institute for Public Health and the Environment \(RIVM\)](#)
- [DLO Foundation](#)
- [Netherlands Institute for Health Services Research \(NIVEL\)](#)
- [Theological University of Apeldoorn \(TUA\)](#)
- [Theological University in Kampen \(TU Kampen\)](#)
- [Protestant Theological University \(PThU\)](#)

LOWI Seminar

To mark its tenth anniversary, the LOWI organised a seminar for its affiliates on 26 November 2014 featuring various Dutch and foreign speakers, including Prof. C.J.M. Schuyt, then the LOWI's chair, and Jet Bussemaker, Dutch Minister of Education, Culture and Science.

The LOWI Seminar consisted of a morning programme in Dutch (concerning national matters) and an afternoon programme in English (covering international topics). The morning speakers were Prof. Schuyt and Ms Bussemaker, who reviewed the past ten years at the LOWI and its future, respectively. Simon Godecharle, PhD Fellow FWO/University of Leuven (Belgium), discussed the LOWI from an international perspective in his talk about the various systems and strategies for research integrity across Europe. The morning programme included a lively debate about Policy Issues and Standards of Research Integrity, chaired by LOWI members Prof. I.E.C. Sommer and Prof. J.W.M. van der Meer, with a panel discussion before and after the break. In addition to Ms Bussemaker, the participants included Prof. P.A. Dykstra, Vice President of the Royal Academy, Prof. J.J. Engelen, Chair of the NWO's General Board, and Prof. E. Sterken, Chair of the VSNU Rectors' Conference, as well as Prof. L.M. Bouter, Professor of Methodology and Integrity at VU University Amsterdam, Prof. A.M. Hol, Chair of the Committee on Research Integrity (CWI) at Utrecht University, and Prof. J. Reedijk, LOWI member. The afternoon programme, chaired by Dr E.G. van Arkel, Official Secretary of the LOWI, featured the following speakers: Nicole Föger, Chair of the ENRIO (European Network of Research Integrity Offices); André van Steirteghem, Chair of the VCWI (Flemish Committee for Scientific Integrity); Charlotte Elverdam, Head of Secretariat Danish Agency for Science, Technology and Innovation (DASTI); Dorian Karatzas, Head of the Ethics Sector, DG Research

and Innovation, European Commission; and Sabine Kleinert, Senior Executive Officer Editorial Board of *The Lancet*/Co-Organizer World Conferences RI III and IV.

The seminar concluded with a dinner for the speakers and LOWI members.

LOWI website

To simplify the process of submitting requests and to emphasise its autonomy, the LOWI launched its own website in 2014: www.lowi.nl.

Requests considered by the LOWI in 2014

Statistics

The LOWI received 24 written requests in 2014 concerning possible violations of the principles of research integrity. Of the 24, eight were ineligible for consideration, for the following reasons:

- Absence of decision (or preliminary decision) by the Board of the Institution 1x
- Documentation missing despite repeated requests 3x
- Deadline for submitting request to LOWI had passed 2x
- LOWI had already considered request (*ne bis in idem*) 1x
- LOWI not competent to consider case (student matters) 1x

In two of the remaining 16 requests, the petitioners withdrew their complaints during the LOWI proceedings. This means that ultimately, the LOWI received 14 requests in 2014.

Of the 14 requests received, the LOWI issued opinions on six cases in 2014.

Published (anonymised) opinions

In 2014, the LOWI issued a total of 12 opinions to the boards of affiliated institutions. The 12 opinions concerned the aforementioned six requests submitted to the LOWI in 2014, and six requests submitted the previous year. The 12 opinions were published on the LOWI website in anonymised form under case numbers 2014-01 to 2014-12.

Institutions involved

The 12 (anonymised) opinions issued in 2014 concerned the following institutions:

- Erasmus University Rotterdam 1x
- Leiden University 1x
- Radboud University Nijmegen 2x
- Open University 1x
- Delft University of Technology 1x
- University of Amsterdam 2x
- Utrecht University 3x
- VU University Amsterdam 1x

LOWI rulings

Of the 12 requests on which the LOWI issued an opinion in 2014, its rulings covered both procedural and content-related aspects. Regarding the latter, the LOWI

- dismissed seven requests as unfounded
- upheld four requests
- on request, referred one case back to the institution for further investigation

Final decisions by LOWI affiliated institutions

Two institutions did not take a final decision in 2014 (LOWI opinion 2014-10 and LOWI opinion 2014-12). The other institutions acted in line with the LOWI opinions in the remaining 10 cases. In five instances, the LOWI advised the institution to reconsider its preliminary decision (in part) (LOWI opinion 2014-01/02/03/05/06), and in two cases to supplement or improve the grounds of the case (LOWI opinion 2014-04 and 2014-09).

Nature of requests (with reference to the anonymised opinions on the LOWI website)

Of the seven requests that were dismissed as unfounded, the cases concerned:

- A scientific debate for which the scientific forum is the proper channel (1x):
LOWI opinion 2014-07
- Lack of evidence for the violation of the principles of research integrity (1x):
LOWI opinion 2014-11
- A case of slander in which only the civil courts are competent (1x):
LOWI opinion 2014-06
- Exclusively commercial (non-scientific) activities (2x):
LOWI opinion 2014-04 and 2014-09
- Non-liability of the head of a research group for data manipulation (1x):
LOWI opinion 2014-03
- No evidence of alleged plagiarism (self-plagiarism) (1x):
LOWI opinion 2014-08

Of the four requests that were upheld, the cases concerned:

- Manipulation (2x):
LOWI opinions 2014-01 and 2014-05
- Plagiarism (1x):
LOWI opinion 2014-10
- No (accusations of) alleged manipulation (1x):
LOWI opinion 2014-02

One case was referred back to the relevant board for further investigation (1x):
LOWI opinion 2014-12.

Length of the LOWI procedure

The LOWI's procedures took between 15 (minimum) and 43 weeks (maximum), from receipt of the request by the LOWI to its issuing its opinion to the board. On average, procedures took approximately six months. A number of cases took (somewhat) longer because experts had to be called in, an additional hearing was held, or it was a holiday period.

Procedures in which the LOWI became involved

Requests under the Government Information (Public Access) Act (WOB)

The LOWI received a single request under the Act in 2014. The judicial proceedings instituted after dismissal of this request were ongoing in 2014.

Requests submitted to the National Ombudsman concerning the LOWI procedure

Two requests were submitted to the National Ombudsman in 2014, with the LOWI being informed by the National Ombudsman and the petitioner respectively. The procedures had not yet finished in 2014.

Procedure

Dutch is the official language of the LOWI's procedures. Art. 2:6 of the General Administrative Law Act (Awb) allows for LOWI procedures to be conducted in another language. In 2014, three of the 14 cases were conducted in English. The LOWI's opinions are issued in Dutch.

Press

The press contacted the LOWI on a regular basis in 2014. The LOWI has not and will not comment, either to the press or to other parties, on whether it has reviewed or is reviewing a particular matter. Members of the press and others can consult the LOWI website for the most recent (anonymised) opinions.