

## Annual Report 2016



LOWI report on the year 2016

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*Pronken met andermans veren (kleurets) / The bird in borrowed feathers (colour etching), J.W.M. van der Meer, 2014*

## Foreword

The Netherlands Board on Research Integrity (LOWI) was established on 1 May 2013, as 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).

Since the start of 2014, LOWI has issued an annual report covering the previous year. The present report describes events and decisions taken in 2016.

A number of opinions will be addressed in this foreword, as they had aspects that required special attention from the institutions affiliated with LOWI.

### *Part-time scientists*

Two opinions look into the question to what extent universities are responsible for the scientific integrity of their part-time employees. In LOWI opinion 2016-05, this involves a research fellow in part-time employment and in LOWI opinion 2016-08 it involves an external PhD candidate.

In opinion 2016-05, LOWI indicated that the Petitioner can be followed to the extent that it is undesirable if work that must be qualified by its nature and content as scientific research, nevertheless cannot be assessed under the regulations of research integrity, for the sole reason that the part-time scientist carried out the work within the parameters of a different organisation, rather than within the framework of the academic institution to which he is also connected. This is particularly problematic when the part-time scientist at work within the framework of his main position explicitly mentions his appointment at the university and thus perhaps raises expectations about the (scientific) quality of this work. On the other hand, (small) part-time appointments are increasingly commonplace in universities.

The question is whether universities can be expected to take responsibility for any research that takes place at a different organisation and therefore falls outside the direct sphere of control of the university. Furthermore, now primarily the universities themselves are responsible for developing, implementing and maintaining an integrity policy, it is up to them to determine how far the scope of their complaints procedure extends. In this case (opinion 2016-05), the University has chosen not to bear any responsibility for academic work carried out under the jurisdiction of another organisation and made no exception for the scenario in which this work can be considered scientific research.

In the past, the LOWI has consistently argued, that “extracurricular activities” may fall under the scope of the Netherlands Code of Conduct for Academic Practice, provided these activities, in short, can be classified as science practice (see LOWI opinions 2012-01, 2012-02, 2014-04, 2015-01 and 2015-07). In terms of the LOWI, it is now established that this consistent line of reasoning cannot be fully extended to work carried out by part-time scientists, but that it depends on the selected scope of the specific Complaints procedure (which may vary for each institution), and possible agreements made with the part-time scientist involved. The LOWI considers it to be of great importance that explicit arrangements be made for part-time appointments with regard to the academic responsibility of the institution and for example also regarding the use of academic titles for activities that fall outside the framework of the part-time appointment.

### *Duty of confidentiality*

The duty of confidentiality, throughout the process, is of great importance. When allegations of violation of the principles of research integrity are prematurely made public, when no final ruling has been passed, it can be harmful to researchers and hamper further careful handling of the complaint (to the Board) or the petition (to the LOWI). Therefore, it is in the interest of all parties involved to observe the duty of confidentiality and not make any suspicions, allegations or accusations public. Even after the final decision of the Board, all Parties must continue to exercise restraint in order not to harm the original defendant and their reputation in the field. This is especially true when the complaint about violation of the principles of research integrity is unfounded.

Breach of confidentiality by the representative of the Petitioner was the subject of LOWI opinion 2016-14. On 26 January 2016, the representative submitted the petition to the LOWI. In any case, from that moment, in the same way as the Petitioner, the representative, under Article 10 of the LOWI Regulations, was obliged to maintain confidentiality. But a few days later he addressed the matter explicitly in an interview with a newspaper and indicated that the opinion of the CWI was the main reason for submitting a petition to the LOWI. The LOWI ruled that with this interview, as published in the newspaper (and on the website of the representative), he had violated the obligation to maintain confidentiality.

The case does highlight a dilemma in enforcing confidentiality. What if the representative gave the interview to the newspaper before the filing date of the petition? Is there then no question of breach of confidentiality? This dilemma played a role in LOWI opinion 2015-11. In this case the Petitioner, just before filing the complaint, published the complaint, including the name of the Interested Party, on the Internet. It goes without saying that such a public accusation could harm the reputation of the scientist in question. The CWI ruled that the ratio of the duty of confidentiality stretches in so far that, information that can be harmful to individuals may only be published after a thorough and independent procedure has been completed. In the case of research integrity, this means, only once a final decision has been made regarding a complaint after a possible review by the LOWI. The LOWI came to similar conclusions. It was granted, however, that the Petitioner, strictly speaking, had not breached confidentiality under the Complaints Procedure, which takes effect at the time of filing a complaint, so, technically, it could not be concluded that the Petitioner had failed to respect confidentiality. Indeed, the Petitioner made his first public accusations only (shortly) after he initiated a complaints procedure. Given the purpose of confidentiality, this course of action by the applicant is not appropriate, because this action has the exact same effect as breaching the duty of confidentiality, namely to tarnish the good name of another, in this case, the Interested Party.

A similar case occurred in LOWI opinion 2016-01. In this case the Board carried out an ex officio investigation, and the Board immediately (i.e. without waiting for a possible opinion from the LOWI) proceeded to make a non-anonymous publication of its decision. LOWI ruled as follows. The Board and other parties involved should take into account the purpose of the duty of confidentiality. They should exercise restraint in the period between the (preliminary) decision and the formal start of the confidentiality for the LOWI. In this six-week period the decision should remain confidential. In addition to a procedural guarantee for those involved, the duty of confidentiality is also required for the effective performance of duties by the LOWI to take place. The LOWI was entrusted to review a contested (preliminary) decision and advise on this. If there is reason to, LOWI will advise the Board to revise the decision. Thereafter, the Board takes its final decision, which will be published only after six weeks on the VSNU website. It is (logically) not specified in the LOWI Regulations, but it remains a good habit, that a Board waits before taking and publishing a final decision until at least the deadline for the submission of a petition to the LOWI has expired and remained unused. If indeed a petition is submitted to the LOWI, the Board will wait to take and publish a final decision until at least after the

opinion of the LOWI has been issued. Only this way can an opinion from the LOWI be of any relevance.

These opinions indicate that it is appropriate to establish the above explicitly in the Article relating to the follow-up procedure at the LOWI, in the VSNU Model Complaints Procedure Scientific Integrity and the resulting complaint procedures of the institutions.

### *Anonymization*

Due to the importance of confidentiality LOWI opinions remain anonymous, including the institution to which the opinion is issued (see par. 3 of this report). It is expressly not intended that publication gives third parties the opportunity to find out the identity of the persons involved in the case. As mentioned, allegations of possible violations of the principles of research integrity made public can indeed cause much harm to Defendants, particularly if the allegations in retrospect prove to be incorrect and unjustified. Anonymization does justice to the protection of wrongly accused Defendants. In 2016, however, two universities in cases that received a lot of media attention made a link on their website to the anonymous publication on the LOWI website. Thereby the anonymity of the LOWI is, at least with regard to the institution concerned, essentially undone, making it much easier for third parties to ascertain the identity of the persons involved in the case. LOWI advises the institutions in press releases on specific cases, to not include a link to the anonymous LOWI opinions in these cases.

### *Legal basis of Complaints Procedures*

In opinion 2016-08, LOWI has indicated that handling complaints regarding academic integrity is a form of an internal complaint procedure as referred to in Title 9.1 of the General Administrative Law Act (*Algemene wet bestuursrecht*, hereafter: Awb). That means the Board of an institution, in so far as it concerns an administrative body within the meaning of Article 1: 1 of the Awb, should observe at least the provisions of Title 9.1 of the Awb. Title 9.1 of the Awb describes how the legislator sees the complaints procedure and the principle of a fair hearing. This interpretation is leading for the LOWI. In addition, additional rules may have been set out in the Complaints Procedure concerned. These should also be taken into consideration by the Board, provided that they comply with the Awb.

In the case in question complaints were made about the length of the complaints procedure. The Petitioner pointed out that the procedure was supposed to be finalised within the 12-week period specified in the Complaints Procedure, but instead lasted 28 weeks, and then another four weeks were necessary for the decision of the Board. Since the handling of complaints relating to research integrity is a form of an internal complaint procedure, as referred to in Title 9.1 of the General Administrative Law Act, applies inter alia, Article 9:11 of the Awb. Under this provision, a complaint should be processed within a period of 6 to 10 weeks after receipt of the complaint, with the possibility to extend the period by 4 weeks. Any further delay is only possible with the written consent of the complainant.

LOWI found that the relevant Complaints Procedure provides for a period of 12 weeks for the opinion of the CWI and 4 weeks for the decision of the Board. Thus the Complaints Procedure differs from the law. However, Article 9:11 of the Awb is a mandatory provision, which may not be waived in a lower regulation.

LOWI has examined to which Complaints Procedures of institutions that are an administrative body, refer to Chapter 9 of the Awb. This was the case in the procedures of the University of Amsterdam and the University of Twente.

Finally, at the beginning of the year we said goodbye to Prof. E.H. Hondius. LOWI is grateful for Ewoud Hondius' valuable and considered contributions to the opinions and his competent performance as Deputy Chairperson.

Prof. R. Fernhout, LOWI Chairperson

## **1. Composition of the LOWI in 2016**

The LOWI has six members, including its Chairperson and Deputy Chairperson.

Members are appointed for a three-year term by the LOWI's founders, with an option to extend their appointment for another two terms of three years each. Prof. R. Fernhout became the LOWI Chairperson on 1 December 2014.

Since 1 February 2016, following the resignation of Prof. E.H. Hondius, Prof. W.J. Zwolve has served as Deputy Chairperson. Additionally, in 2016 the LOWI consisted of the members Prof. L. Lechner (since 1 May 2015), Prof. J.W.M. van der Meer (since 1 September 2012), Prof. J. Reedijk (since 1 September 2012) and Prof. I.E.C. Sommer (since 1 April 2014).

The members represent various scientific (sub)disciplines, specifically administrative law (Prof. Fernhout); historical development of law (Prof. Zwolve); health psychology (Prof. Lechner); internal medicine (Prof. Van der Meer); inorganic chemistry (Prof. Reedijk); and psychiatry (Prof. Sommer).

The LOWI has had an Official Secretary since it was founded. In 2016, H.M.L. Frons served in this capacity, with Dr E.G. van Arkel serving as Deputy Official Secretary. On 1 September 2016 Dr Van Arkel was succeeded by F. Roepnarain. They were assisted by Ms A. Muller.

The LOWI holds its meetings, hearings and informative meetings at the Trippenhuys Building, Kloveniersburgwal 29 in Amsterdam.

## **2. LOWI's status**

The LOWI operates independently of its founders and all other (affiliated) institutions. This means that the LOWI issues its opinions without the involvement of any third parties, which is also stated in the LOWI Regulations.

Nevertheless, it does happen that parties in a LOWI procedure approach the Royal Netherlands Academy (KNAW) with a request to intervene in a LOWI procedure or a LOWI opinion. Partly for that reason, in 2016 the first steps were taken to further demonstrate that LOWI is independent of its founders, and the founders cannot, or do not wish to, intervene in how LOWI goes about its work.

KNAW, VSNU and NWO have jointly decided to set up a LOWI foundation, where the members will act as the Board which will perform the tasks of the LOWI. In 2017 this will be further developed.

## **3. LOWI tasks and scope of work**

### *Advice to the Board*

The LOWI's task is to advise the Boards of affiliated Institutions about their decisions (or preliminary decisions) concerning alleged violations of the principles of research integrity. As a rule, the Board takes such a decision in response to a complaint, but this can also be done *ex officio*.

Those involved in the complaint procedure before the Board, may approach the LOWI after the procedure has concluded and petition the LOWI to rule on the Board's decision or preliminary decision. This assessment is given in the form of an advisory opinion to the Board.

Parties in a petition made to the LOWI include the Petitioner (the original complainant or defendant, who does not agree with the (preliminary) decision of the Board) and the Board. As a rule, also an Interested Party (the original complainant or defendant who agrees with the preliminary decision of the Board) is involved in the LOWI procedure.

The opinions of the LOWI are not binding, but in general they are followed. See more under paragraph 6 of the report. Although opinions are not binding, they are not optional at all. If the Board decides not to follow a LOWI opinion, it shall provide further explanation as to why in its final decision.

#### *Establishing an opinion: due diligence and reasoning*

According to Article 8.1 of the LOWI Regulations, LOWI assesses whether the decision of the Board has been carefully established. In practice this means that the LOWI verifies whether or not the advice of the CWI meets the due diligence requirements. After all, the Board makes its decision based on the advice of the CWI.

If the conclusion is that the CWI advice meets the due diligence requirements and that what the Petitioner has submitted to the LOWI is insufficient to cause any doubt about the CWI advice, LOWI assumes that the CWI findings are factually correct. After reaching this conclusion LOWI will mainly consider the substantive question as to whether the LOWI qualifies the actions of the original defendant in the same manner as the CWI had done in first instance.

If the conclusion is that the CWI advice does not meet the due diligence requirements, this advice cannot support the decision of the Board. After reaching this conclusion LOWI will, in as far as possible, carry out the required further investigation. If it cannot, or only insufficiently do so, for example if LOWI does not have the necessary powers of investigation or research facilities, the LOWI will provide an explanation as to why it thinks that the advice of the CWI cannot support the decision of the Board, and recommend the Board to ask the CWI to reconsider the case. This may also happen if the complexity or the (personal) nature of the case so requires, or in the event that the CWI did not do a substantive review in first instance because the CWI, other than the LOWI in the second instance, ruled the complaint inadmissible.

In the substantive review of a complaint, it is determined whether or not the actions of the accused scientist are in conflict with one (or more) of the rules of scientific integrity. Only then will there be room for the conclusion that this scientist has violated the research integrity. That conclusion is not necessarily always drawn. The consistent line of reasoning of affiliated institutions and the LOWI is that the finding that a scientist has infringed rules of conduct of research integrity, does not automatically lead to the conclusion that he has violated research integrity as such. Not every conflict with the rules can be weighted equally.

It appears that this consistent line of reasoning is sometimes met with incomprehension by original complainants. In order to remove this lack of understanding as much as possible, LOWI considers it important that the reasoning is made as clear as possible in the opinions issued. Therefore the substantive review of a complaint is preferably carried out in two parts. The first part of the assessment consists of answering the question whether the action of the scientist is in conflict with one (or more) of the rules of research integrity. The optional second part of the assessment is to answer the question whether acting contrary to the rules should also be qualified as a violation of research integrity, or whether another qualification (negligence or culpable negligence) is applicable.



### *Anonymization of the opinion*

Upon receipt of the final decision of the Board, the LOWI publishes its opinion on its website. So third parties, including prospective Petitioners to the LOWI, can take note of the type of cases brought to the LOWI and the considerations of the LOWI. It is expressly not intended that by publication third parties are given the opportunity to find out the identity of the persons involved in the case. Allegations of breaches of integrity made public can indeed cause much harm to Defendants, particularly if the allegations prove in retrospect to be incorrect and unjustified.

For this reason, the LOWI ensures strict anonymization of the published opinion. Anonymization does justice to the protection of wrongly accused Defendants. Therefore personal information will be omitted, in any case, and the same happens with other information which can be easily traced to a person's identity. It doesn't always help in terms of the readability of the opinion, but the importance of the anonymity of those involved is more important.

### *Knowledge transfer*

In 2016 LOWI contributed to several meetings on research integrity.

On 20 January 2016 Prof. Fernhout held a lecture on *The Ethics of Science* at NIOO-KNAW, Wageningen.

On 18 March 2016 Prof. Fernhout and Prof. Zwolve participated in a meeting of the National Jurist Meeting (VSNU) and explained the LOWI Procedures.

On 20 and 22 April 2016 Prof. Fernhout and Prof. Van der Meer moderated *Meet the expert* sessions at the *Internistendagen* in Maastricht.

Prof. Lechner organised a workshop on research integrity at the Open University PhD students day (Utrecht) on 4 June 2016.

On 28 September 2016 Prof. Fernhout spoke about LOWI at a Permanent Education session of the Executive Boards of the Foundation VU and VU University Medical Center.

Also Prof. Fernhout was once more involved in the course *Maintaining Scientific Integrity in Present Day Academic Reality* at the Graduate School of Geosciences, Utrecht University, on 7 November 2016.

### *LOWI-international*

The LOWI is a member of the European Network of Research Integrity Offices (ENRIO, see [www.enrio.eu](http://www.enrio.eu)). The LOWI also provides information about its history and its Regulations and/or Procedures to countries outside this network.

## **4. LOWI-affiliated Institutions**

In 2003, the affiliates of the LOWI consisted of its founders, i.e. (the institutes of the) KNAW, NWO, and VSNU (fourteen general universities including the University Medical Centres).

In 2004, Sanquin Blood Supply also joined the LOWI.

In 2014, the following organisations joined the LOWI (listed in chronological order): University of Humanistic Studies, National Institute for Public Health and the Environment (RIVM), DLO Foundation (now Foundation Wageningen Research), Netherlands Institute for Health Services Research (NIVEL), Theological University of Apeldoorn (TUA), Theological University in Kampen (TU Kampen) and Protestant Theological University (PThU).

In 2015, the Amsterdam School of Real Estate (ASRE) also joined the LOWI.

In 2016, the process of affiliation with two new institutions was initiated. This procedure was almost entirely completed at the end of 2016. Princess Máxima centre for pediatric oncology will be affiliated with the LOWI as from 11 January 2017. The Royal Netherlands Meteorological Institute (KNMI), as of 20 January 2017, will be affiliated with the LOWI.

## **5. Website and press**

The LOWI's website ([www.lowi.nl](http://www.lowi.nl)) has been expanded and updated since 2015. Full-length versions of the LOWI's opinions are placed on the website (in anonymized form), along with a summary of these opinions. The summaries also report the final decisions taken by the Boards after receiving the LOWI's opinions. The summaries are also translated into English and published on the English version of the website.

In addition, the website allows you to see the petitions submitted to LOWI that did not lead to substantive advice to the Boards. It involves petitions that do not meet the admissibility requirements (e.g. because they have been submitted after the prescribed deadline), or rejected petitions to revise an earlier LOWI opinion.

Finally, the website provides insight into any complaints about the conduct of the LOWI. These complaints are handled in accordance with Title 9.1 of the General Administrative Law Act. In 2016, no complaints about the conduct of the LOWI were submitted to the LOWI.

Also, in 2016, LOWI was regularly approached by the media or third parties. LOWI policy is not to provide any information indicating whether an issue is (or was) put before the LOWI. Those interested can consult the anonymous opinions on the LOWI website.

## **6. Overview of petitions pending and settled in 2016**

*Statistics: number of petitions pending in 2016*

In 2016, there were a total of **26** petitions awaiting settlement or further consideration.

This number is made up of the following:

- 2016 began with a backlog of 8 petitions that were submitted in 2015 and taken into consideration, but not settled by the end of 2015;
- In addition the LOWI received 18 new petitions in 2016.

*Statistics: number of opinions and decisions issued*

In 2016 a total **18** petitions were settled.

This number is made up of the following:

- LOWI considered the substance of 14 petitions. In those cases the LOWI issued its opinion to the Board in question;
- 4 petitions were not considered on substance, but declared inadmissible. In those cases, LOWI did not issue a substantive opinion to the Board involved.

*Statistics: number of Institutions involved*

The 18 petitions settled by LOWI concern decisions of the Boards of the following **11** institutions:

This includes the following:

- UM	1x
- UU	2x
- VU	4x (of which 1 not published)
- VUmc	1x
- TUD	1x
- LUMC	1x
- UvA	2x (of which 1 inadmissible)
- DLO Foundation (now Foundation Wageningen Research)	1x
- RUG	1x
- LEI	2x (of which 1 inadmissible and not published)
- TU/e	2x (of which 1 inadmissible)

*Statistics: number of published opinions and decisions*

The 18 petitions settled by LOWI resulted in **16** publications on the LOWI-website.

This includes the following:

- 14 petitions considered on substance led to 14 substantive opinions. Of those, 1 remained unpublished as the institution involved, following the LOWI's opinion being issued, concluded that the research scientist concerned was not working for this institution. The Board of the Institution withdrew its unauthorised decision, upon which the LOWI also withdrew its opinion. This opinion was not published;
- 4 petitions were not considered on substance, as they did not meet the admissibility requirements or were repeat petitions without *nova*. Of the decisions to not review the petitions, 3 were published (LOWI decisions 2016-03, 2016-11 and 2016-16). The fourth decision, on a premature petition deemed inadmissible (the Board involved had not yet made a preliminary decision) was not published. Once the Board had made a provisional decision, the pertaining petition was taken into consideration and will be settled in 2017.

*Statistics: number of expert opinions*

In the case of two of the petitions settled in 2016, the LOWI consulted two external experts for each case.

*Statistics: number of hearings and informative meetings*

For the settlement of five petitions, the LOWI presided over six hearings.

In one petition it was deemed necessary to interview Applicants and Interested Parties separately, which explains the total of six hearings.

For another petition it was necessary to carry out a factual investigation. In this case, the LOWI held three informative meetings prior to the hearing, two with third parties involved and one with the Petitioner.

Finally, prior to 1 petition an informative meeting was held with the Petitioner, in order to clarify his intentions with the petition.

In the remaining cases the LOWI based its opinion on a review of the documents submitted.

*Statistics: length of LOWI procedure*

The LOWI procedures, calculated from the receipt of the petition up until the decision or opinion issued by LOWI, took from a minimum of two up to a maximum of 72 weeks. On average a procedure took approximately **29 weeks**.

A longer duration of proceedings was caused by: hearings and informative meetings, the involvement of external experts, granting parties an extension of the time to respond at their request, requests to keep a case pending because of a related case, or personal circumstances.

*Substance: topics of the petitions*

Typically, the petitions submitted to the LOWI are very comprehensive with many attachments. In the LOWI opinions, the documents exchanged and positions taken are briefly summarised.

There are two main issues which the LOWI will consider: the alleged violation(s) of the principles of research integrity and the manner in which the complaints procedure has been carried out by the Board. In practice LOWI opinions are also regularly requested on matters related to other subjects. These matters usually involve labour law or copyright disputes and matters that belong to the scientific debate. LOWI does not rule on these topics.

The following list of 16 published opinions identifies the relevant research integrity issue in each case.

- 2016-01: about (citation at) the re-use of previously published own work
- 2016-02: about providing access to databases and asking permission for the submission of articles
- 2016-03: no substantive review, the petition was inadmissible
- 2016-04: about data manipulation in publications
- 2016-05: whether a report on the actions of an individual can be qualified as scientific practice in the sense of the Netherlands Code of Conduct for Academic Practice
- 2016-06: about the invasiveness of the review of a popular science publication and interpretation of source material
- 2016-07: about whether an open letter in a newspaper can be considered scientific practice in the sense of the Netherlands Code of Conduct for Academic Practice
- 2016-08: about whether an open letter in a newspaper can be considered scientific practice in the sense of the Netherlands Code of Conduct for Academic Practice
- 2016-09: about (wrongly) not acknowledging co-authorship
- 2016-10: about (rightly not) acknowledging co-authorship and the invasiveness of the review of educational material
- 2016-11: no substantive review, the petitions were inadmissible
- 2016-12: about (not) referencing the work of a (competing) scientist
- 2016-13: about (without permission) continuing research following the departure of the researcher who initiated the research
- 2016-14: about (insufficient corrective measures taken) to restore errors in successive scientific reports

- 2016-15: about the (objectivity of) the assessment of a thesis  
2016-16: no substantive review, rejecting a petition for review of opinion 2016-15

*Substance: rulings and opinions, final decision by the Board*

A petition submitted to the LOWI involves a request to review a Board's preliminary decision and to advise the Board as to its final decision. The following is important in that regard.

When the LOWI rules that a petition is **inadmissible**, then it does not give a substantive opinion concerning the preliminary decision.

When the LOWI rules that a petition is **unfounded**, then generally the LOWI advises the Board to confirm its preliminary decision as a final decision. Possibly there could be reasons to recommend, in addition, to modify the reasons for the final decision on the grounds of the LOWI's considerations.

When the LOWI rules that a petition is **well founded** (or partly founded), then it generally follows up its ruling by advising the Board to revise its preliminary decision. In some cases there can be a reason to, instead, advise that the case be reconsidered.

The Board then decides whether or not to follow up the LOWI's advice. In accordance with the LOWI Regulations, the Board makes a copy of its final decision available to the LOWI. This way, the LOWI can monitor the effectiveness of its opinions.

Below is a general summary of the LOWI's rulings and opinions in 2016 and an indication of whether the relevant Boards did or did not act in line with its opinions.

- 2016-01: the petition was considered **partly founded**. An important conclusion of the LOWI was that the (ex officio) investigation did not meet the assessment framework set out in Article 1.5 of the Netherlands Code of Conduct for Academic Practice. Since the decision in fact had already been effected by the Board, by publishing the results of the investigation in non-anonymized form, an opinion to reconsider the decision could hardly be effective. However, LOWI did advise the Board to observe the framework outlined by the LOWI, should it decide to conduct further research. The Board asked the investigating committee for a further substantiation of its earlier methods and found it adequate.
- 2016-02: the petition is considered **unfounded**, with a different consideration than the CWI had formulated earlier. The LOWI advised the Board to uphold its preliminary ruling in its final decision. The Board adopted this opinion.
- 2016-03: the petition is considered **inadmissible**, because it was inexcusably overdue. The Board upheld its preliminary ruling in its final decision.
- 2016-04: the petition is considered **unfounded**. The LOWI did advise the Board to limit themselves to the view that the scientific integrity has been violated, and to omit the description "serious", and to only pass the ruling on to the relevant people and organisations. The Board has adopted this opinion.
- 2016-05: the petition is considered **unfounded**. The Board upheld its preliminary ruling in its final decision.
- 2016-06: the petition is considered **unfounded**. The Board upheld its preliminary ruling in its final decision.

- 2016-07: the petition is considered **unfounded**. The Board upheld its preliminary ruling in its final decision.
- 2016-08: the petition is declared **well founded** in so far as it is directed at the duration of the processing of the complaint and for the remaining part, with a different consideration than the CWI had formulated earlier, it has been declared **unfounded**. LOWI has advised the Board to uphold the preliminary decision in its final decision, but by taking on the consideration of the LOWI. The Board has adopted this opinion.
- 2016-09: the petition is declared **well founded**. The LOWI has advised the Board to revise the final decision in accordance with the opinion of the LOWI and request rectification by the Interested Parties. The Board has accepted this recommendation, with the caveat that the CWI followed a different reasoning in the assessment of the complaint.
- 2016-10: the petition is declared **well founded** in so far as it is directed at the duration of the processing of the complaint and for the remaining part, it has been declared **unfounded**. The Board upheld its preliminary ruling in its final decision.
- 2016-11: the two petitions are deemed **inadmissible** because the petitioners cannot be considered Interested Parties within the meaning of the LOWI Regulations.
- 2016-12: the petition was deemed partly **inadmissible** and partly **unfounded**. However, LOWI did suggest that the Board should consider how the scientific debate on the subject of this petition be given shape within the university. The Board upheld its preliminary ruling in its final decision.
- 2016-13: the petition is considered **unfounded**. The Board upheld its preliminary ruling in its final decision.
- 2016-14: the petition is considered **unfounded**, noting that not mentioning the commissioning parties and external financiers is not just sloppy reporting, but culpable negligence. Also, LOWI declared that the representative of the Petitioners violated the duty of confidentiality of the LOWI Regulations. The Board upheld its preliminary ruling in its final decision.
- 2016-15: the petition is considered **unfounded**. The LOWI advised the Board to revise the preliminary decision so that not only the first element of the complaint is unfounded, but also the other parts of the complaint. The Board has adopted this opinion. The LOWI also recommended that the inadmissibility of parts of a complaint for reasons of procedural diligence be mentioned in the preliminary decision.
- 2016-16: the petition is a request to revise the advice given in 2016-15. This request is deemed **inadmissible**, due to the lack of *nova*.

## 7. Procedures in which the LOWI became involved

In 2016, the LOWI was not involved in any legal proceedings or procedures involving the National Ombudsman. Any complaints about the conduct of the LOWI are handled in accordance with Title 9.1 of the General Administrative Law Act analogously. In 2016, no complaints were submitted about the LOWI.

## 8. Summary table

The table below presents the most relevant figures from section 6:

<b>2016</b>	
Total number of petitions pending:	26
Total number of petitions settled:	18
- ruling on submission requirements	4
- ruling on substance	14
Total number of opinions/decisions issued:	18
- number of these published	16
Average length of the procedure	29 weeks

A comparison with the 2015 table shows that there were more petitions handled in 2016, with a longer average duration of the procedure:

<b>2015</b>	
Total number of petitions pending:	25
Total number of petitions settled:	15
- ruling on submission requirements	4
- ruling on substance	11
Total number of opinions/decisions issued:	14
- number of these published	12
Average length of the procedure	25 weeks