

Annual Report 2017



LOWI Report on the Year 2017

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

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).

Since 2014, the LOWI has issued an annual report covering the previous year. The present report describes the developments, opinions and decisions of 2017.

A number of opinions are discussed in this foreword because there are aspects that require the special attention of LOWI-affiliated institutions.

Authorship

The question of the attribution of authorship in LOWI's opinions has been much discussed in recent years. The standard set in the current **Netherlands Code of Conduct for Academic Practice** (2004/2014) is rather limited. The Code of Conduct does not go beyond:

Authorship is acknowledged. Rules common to the academic discipline are observed. (Elaboration 1.4).

The draft of a new **Netherlands Code of Conduct for Research Integrity**, which is currently available for consultation, discusses reporting standards in greater detail:

26. Do justice to everyone who contributed to the research and to obtaining the data.

27. Encourage fair allocation of authorship; all authors must have made a substantial intellectual or scientific contribution. Follow the guidelines that apply to your discipline.

The standard set in the new ALLEA (All European Academies) **European Code of Conduct for Research Integrity** 2017 is more comprehensive (par. 2.7):

- *All authors are fully responsible for the content of a publication, unless otherwise specified.*
- *All authors agree on the sequence of authorship, acknowledging that authorship itself is based on a significant contribution to the design of the research, relevant data collection, or the analysis or interpretation of the results.*

(...)

- *Authors acknowledge important work and intellectual contributions of others, including collaborators, assistants, and funders, who have influenced the reported research in appropriate form, and cite related work correctly.*

(...)

- *Researchers adhere to the same criteria as those detailed above whether they publish in a subscription journal, an open access journal or in any other alternative publication form.*

The standard set in the **Australian Code for the Responsible Conduct of Research** (2007) on this point is also good:

Attribution of authorship depends to some extent on the discipline, but in all cases, authorship must be based on substantial contributions in a combination of:

- *conception and design of the project*
- *analysis and interpretation of research data*
- *drafting significant parts of the work or critically revising it so as to contribute to the interpretation.*

The right to authorship is not tied to position or profession and does not depend on whether the contribution was paid for or voluntary. It is not enough to have provided materials or routine technical support, or to have made the measurements on which the publication is based. Substantial intellectual involvement is required.

The issue of authorship arose during the reporting year in LOWI opinion 2017-03:

The Petitioner submitted a complaint about a dissertation, claiming that it was based primarily on reports authored by others. The LOWI agrees with the CWI that the researcher's flawed source reference in his dissertation creates the impression that he is the author of certain reports. Owing to his *role as content coordinator* while the reports were being written, he can perhaps be regarded as one of the authors or co-authors, *although he did not produce any texts himself*. However, by not acknowledging the authors of the reports, he has failed to give credit where credit is due. This failing means that he has violated Elaboration 1.4 of the Netherlands Code of Conduct for Academic Practice (recognition of authorship). In this opinion, the LOWI therefore states that authorship or co-authorship does not always have to consist of supplying texts, but that authorship or co-authorship may also consist of *conception and design*, as described in the ALLEA code and the Australian code.

In LOWI opinions 2016-09 and 2016-10, the LOWI once again emphasised – in line with the above codes – that there must be *a significant, scientific contribution (substantial contribution)*:

In the case of LOWI opinion 2016-09, the Petitioner complained about an article by a number of authors, in which his name erroneously was omitted as a co-author. The Petitioner argued that he was the first to make the discovery on which the paper was (to some extent) based, and that he also described this discovery in his master thesis. Based on its own research and expert advice, the LOWI concluded that although the Petitioner *did not contribute to the article by writing portions of text*, the information on the USB stick provided showed that the *initial experiment had been conducted by the Petitioner*. The Petitioner's contribution to the paper consisted of *conceptualising, planning and conducting the first experiment*, which served as a basis for the subsequent work. According to the line of reasoning adhered to consistently in previous LOWI opinions, the Petitioner should have been credited as a co-author. The LOWI considered the acknowledgement offered to be inadequate. At the same time, in this opinion the LOWI distanced itself from the CWI, which introduced a much stricter criterion. According to the CWI, it must have been *obvious* that the Petitioner should have been credited as a co-author and, despite this, the Interested Parties must have *deliberately* ignored his contribution. These more stringent, cumulative criteria introduced by the CWI have no place in the LOWI's consistent line of reasoning that the attribution of authors and co-authors must involve a significant, scientific contribution.

In LOWI opinion 2016-10, the LOWI ruled that the Petitioner did not reasonably have to be credited as a co-author of syllabi because his contribution to the syllabi did not warrant it. *Entering the translation agency's suggestions, restructuring sections and similar activities are not science-driven but rather revision or a form of editing*. Adding the occasional sentence to existing texts or restructuring sentences cannot be regarded as writing portions of text or as a critical substantive revision of blocks of text.

The codes state that the attribution of authorship 'depends to some extent on the discipline' and that the 'rules commonly applied in the discipline' or 'standards applicable within the discipline' must be adhered to. But does this explain why an article on biomedical science may list a hundred author's names whereas a legal publication, for example, is limited to one or two? How is it decided what the usual rules for authorship and co-authorship are in a discipline? To answer this question, in a recent opinion (2018-02), the LOWI examined the 'Qualification for Authorship' section of the authoritative international academic journal for the relevant discipline.

Contract research

The question of the research integrity of contract research is also a hot topic at present, and not just because of the recent reports on the possible influencing of research conducted by the WODC (Research and Documentation Centre) of the Ministry of Justice and Security. Who pays the piper?

The **Netherlands Code of Conduct for Academic Practice** cites a number of basic assumptions for contract research which are based on the principle of independence. 'Whenever third parties engage an academic practitioner to teach or conduct research, the practitioner is allowed to perform the assignment – within the parameters defined – without interference by the commissioning party. (...) The commissioning party has no influence on the research results.' (Elaboration 5.1). 'The relationship between the commissioning party and the performing party is always made explicit, for instance where there is a consultancy assignment or other connection. Any possible appearance of a conflict of interest is always avoided, or mentioned in publications.' (Elaboration 5.3), and 'External funders of scientific and scholarly activities are identified by name.' (Elaboration 5.5).

The draft **Netherlands Code of Conduct for Research Integrity** also provides various concrete standards governing the conduct of contract research. 'If the research is conducted on commission and/or is funded by third parties, always make clear who the commissioning party and/or funder is.' (Standard 7). 'Be open about the role of external stakeholders and possible conflicts of interest.' (Standard 8). 'Only accept research assignments that can be executed in accordance with the standards in this Code.' (Standard 12). 'Be open about the role of external stakeholders, commissioning parties, funders, possible conflicts of interest and relevant ancillary activities.' (Standard 39).

The **European Code of Conduct for Research Integrity** emphasises that '*All authors disclose any conflicts of interest and financial or other types of support for the research or for the publication of its results*' and cites as an unacceptable research practice '*Allowing funders/sponsors to jeopardise independence in the research process or reporting of results so as to introduce or promulgate bias*'.

The **Australian Code for the Responsible Conduct of Research** is also explicit. In par. 4.9 (Disclose research support accurately) it states '*A publication must include information on all sources of financial and in-kind support for the research and any potential conflicts of interest. Researchers must acknowledge the host institution and funding sources of the research.*'

In the reporting year, the issue of contract research came up in particular in LOWI opinion 2017-09:

The Petitioner submitted a complaint about a study report authored by a scientific researcher. According to the Petitioner, agreements were made with the client about the study's conclusions. According to the CWI, it is customary to make agreements about scope, research questions, confidentiality and anonymization when a study is being financed by a third party. The Petitioner doubted the independence of the researcher and the objectivity of the report: agreements on collaboration in the study, confidentiality and careful formulation were not mentioned in the report. The LOWI believes that, when cooperating in a study, it is not contrary to the principles of research integrity for the parties to make agreements concerning confidentiality and privacy, publication of the research results, and the correction of any factual inaccuracies. It is up to the researcher involved to ensure that the agreements do not obstruct scientific study.

The LOWI does not consider that a plausible case was made that the agreements were contrary to the principles of research integrity. The agreements regarding the scope of the study, the research questions, the wording and a review of the draft report for factual inaccuracies were based on the client's current policy governing cooperation with external parties. These are not agreements that undermine the integrity of the study or the researcher. However, the LOWI indicates that it would have been better, partly on account of the sensitivity of the subject, if the report had explicitly mentioned these agreements.

In 2016, the issue of contract research arose in LOWI opinion 2016-14:

The Petitioners had complained about reports published by a research institute, because – in their view – the reports had been realised in a manner that contradicted various principles set out in the Netherlands Code of Conduct for Academic Practice. According to the Petitioners, the researchers who authored Report 1 had been guided almost entirely by the clients' commercial interests in their choice of methods and criteria.

The LOWI eventually ruled that, contrary to Principle 5 of the Netherlands Code of Conduct for Academic Practice, the various reports do not refer to the clients and external funders of the study and do not state clearly that the researchers are independent vis-à-vis the clients. This is a culpable failure to exercise due care. In the LOWI's view, this was not a case of violation of the principles of research integrity: it was not found that the clients had deliberately not been mentioned or that influence had been exerted by the clients, causing the researchers to act in a manner not befitting responsible scientists. Pursuant to Elaboration 5.3 of the Netherlands Code of Conduct for Academic Practice, it would have been better to have made the relationship between the researchers and the clients explicit.

These opinions indicate that there is still room for improvement with particular regard to the issue of transparency in relation to funders and clients and the issue of the agreements made, issues which are so central to the various codes of conduct.

Developments in 2018

In conclusion, 2018 will be an important year. First and foremost, the new **Netherlands Code of Conduct for Research Integrity** is nearing completion. It may already come into force by the beginning of the new 2018-2019 academic year. This code presents itself as binding to the institutions that subscribe to it. This code is subscribed to by the Royal Netherlands Academy of Arts and Sciences (KNAW), the Netherlands Federation of University Medical Centres (NFU), the Netherlands Organisation for Scientific Research (NWO), the Federation of Applied Research Institutes, the Netherlands Association of Universities of Applied Sciences and the Association of Universities in the Netherlands (VSNU). Other institutions, including private enterprises, can also subscribe to this code. To be able to enforce the code of conduct, it is essential that the institutions that subscribe to the code are members of the LOWI. This does not yet apply to all the institutions referred to above.

The process set in motion in 2016 to establish a LOWI Foundation may also come to a successful conclusion in 2018. The establishment of a foundation emphasises the fact that the LOWI is independent of its founders and that the founders are neither willing nor able to interfere in the way in which the LOWI performs its tasks.

Prof. R. Fernhout, LOWI Chairperson

1. Composition of the LOWI in 2017

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 has been Chairperson since 1 December 2014. Prof. W.J. Zwolve has been Deputy Chairperson since 1 February 2016. In 2017, the LOWI's other members were 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 disciplines and subdisciplines, specifically: administrative law (Prof. Fernhout), historical development of the law (Prof. Zwolve), health psychology (Prof. Lechner), internal medicine (Prof. Van der Meer), anorganic chemistry (Prof. Reedijk) and psychiatry (Prof. Sommer).

The LOWI is assisted in its work by a secretariat. In 2017, H.M.L. Frons was official secretary and F.J.L. Roepnarain deputy secretary. Support was provided by A.M.E. Muller.

The LOWI meets in the Trippenhuys Building, Kloveniersburgwal 29, Amsterdam.

2. LOWI's status

The LOWI operates independently of its founders and other institutions (including affiliated institutions) and arrives at its opinions without the involvement of third parties. This is also explicitly laid down in the LOWI's Regulations. In 2016, the first steps were taken to make it even more evident that the LOWI is independent of its founders and that they have no involvement in the way in which the LOWI performs its tasks. KNAW, VSNU and NWO jointly decided to investigate the possibility of establishing a LOWI Foundation, in which the LOWI members will act as the Foundation Board. Further steps will be taken in 2018.

3. LOWI's tasks

Advice to the Board

The LOWI's task is to advise the Boards of affiliated institutions on their decisions (or preliminary decisions) concerning possible violations of the principles of research integrity. Generally, the Boards take such decisions in response to a specific complaint, but they can also do so ex officio.

Anyone who was party to the complaint procedure before the Board can apply to the LOWI on completion of this procedure and petition the LOWI to rule on the Board's decision or preliminary decision. This ruling by the LOWI is given in the form of an advisory opinion to the Board on the final decision to be taken.

Parties in a petition made to the LOWI include the Petitioner (i.e. the original Complainant or Defendant, who does not agree with the Board's preliminary decision) and the Board. As a rule, also an 'Interested Party' is involved. This is the original Complainant or Defendant who does agree with the Board's preliminary decision and has not therefore petitioned the LOWI.

The opinions issued by the LOWI are not binding, but are generally complied with. 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

The LOWI assesses whether the Board's decision 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

In that case, the LOWI will confine itself to considering whether the LOWI would characterise the actions of the accused researcher in the same way as the CWI had previously done.

If it is concluded that the CWI's opinion does not meet due diligence requirements, this opinion cannot provide an adequate basis for the Board's decision. In that case, further investigation is required. Where possible, the LOWI will conduct its own investigation. Sometimes, this may not be possible in whole or in part, e.g. because the LOWI does not have the necessary powers of investigation or research facilities. In that case, 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. If they do indeed constitute an infringement, it does not immediately conclude that the party involved has violated the research integrity. 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.

The LOWI makes its reasoning as transparent as possible in the opinions. 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.

Knowledge transfer

In 2017, the LOWI again contributed to various meetings concerning research integrity. On 7 June 2017, Prof. R. Fernhout gave a lecture on research integrity to the Good Governance Network [*Netwerk Goed Besturen*] (VU Amsterdam) on the occasion of a meeting on ethical jurisprudence. On 18 October 2017, Prof. R. Fernhout was the keynote speaker at the annual inter-university symposium on research integrity, held in the Palace of the Academies in Brussels. On 6 December 2017, Prof. R. Fernhout gave an introductory speech at the campus meeting of Radboud University in Nijmegen on research integrity and authorship.

LOWI International

The LOWI is a member of the European Network of Research Integrity Offices (ENRIO). See www.enrio.eu. The LOWI also provides information about its history and its Regulations to countries outside this network.

The new ENRIO website went online on 9 May 2017. All affiliated institutions have an individual web page containing information on their organisation, tasks and powers. The LOWI will also be publishing summaries of LOWI's opinions in English on the website.

The LOWI attended the 5th World Conference on Research Integrity (WCRI) which was held in Amsterdam from 28-31 May 2017. It was a well-attended conference with a range of interesting, instructive presentations on subjects such as research funding, authorship and the promotion and enforcement of research integrity. It became evident from the contributions of the American research integrity officers how different the American system is from the systems in European countries: there is a greater emphasis on criminal prosecution in the event of violation of research integrity. There was also an opportunity to make informal contact with other organisations during the WCRI. For example, the LOWI held talks with the Flemish Committee for Research Integrity and the NENT, the Norwegian National Committee for Research Ethics in Science and Technology.

4. LOWI-affiliated institutions

An increasing number of institutions have joined the LOWI in the years since it was founded. In 2017, the institutions affiliated to the LOWI were:

- the founders KNAW, NWO and VSNU and their institutes;
- the public and special universities, including the University Medical Centres and the Open University;
- Sanquin Blood Supply Foundation;
- University of Humanistic Studies;
- National Institute for Public Health and the Environment (RIVM);
- Wageningen Research Foundation;
- Netherlands Institute for Health Services Research (NIVEL)
- Theological University of Apeldoorn (TUA)
- Theological University of Kampen (TU Kampen)
- Protestant Theological University (PThU)
- Amsterdam School of Real Estate (ASRE)
- Princess Máxima Centre for Paediatric Oncology
- Royal Netherlands Meteorological Institute (KNMI)

The membership procedure for Nyenrode Business University began in 2017 and was at an advanced stage by the end of the year. Nyenrode Business University became a LOWI-affiliated institution with effect from 20 February 2018.

5. Website and press

The anonymized full opinions issued by the LOWI are published on the website (www.lowi.nl), along with a summary of these opinions. The summaries also report the decisions taken by the Boards after receiving the LOWI's opinions. The summaries are translated into English and published on the English version of the website.

The website also shows which petitions to the LOWI did not result in substantive opinions being issued to the Boards. These are usually petitions which do not meet the admissibility criteria, e.g. because they have been submitted outside the specified period.

Finally, the website provides information on any complaints concerning the conduct of the LOWI. These complaints are treated by analogy with Title 9.1 of the Dutch General Administrative Law Act [*Algemene wet bestuursrecht*].

The LOWI is regularly contacted by the press or third parties. However, LOWI policy is not to provide any information indicating whether an issue is (or was) put before the LOWI.

6. Overview of petitions submitted and settled in 2017

Statistics: number of petitions in 2017

In 2017, the LOWI had a total of **20** petitions awaiting settlement or further consideration.

The breakdown was as follows:

- 2017 began with a backlog of eight petitions submitted and considered in 2016 but not yet settled by the end of 2016;
- In addition, the LOWI received a further 12 petitions in the course of 2017.

Statistics: number of opinions and decisions issued in 2017

In 2017, a total of **14** petitions were settled in full and published on the website, and **1** petition was withdrawn.

The breakdown of that figure of **14** petitions settled in full is as follows:

- 11 petitions were considered on substance. In these cases, the LOWI issued an opinion to the Board concerned;
- three petitions were not considered on substance. The LOWI declared two of these cases inadmissible and one outside its jurisdiction. In these three cases, the LOWI did not issue an opinion to the Board concerned.

Statistics: number of Institutions involved in 2017

The 14 fully settled and one withdrawn petition relate to decisions taken by the Boards of **8** different institutions. The breakdown is as follows:

- | | |
|--|----|
| - LEI (Leiden University) | 5x |
| - RU (Radboud University) | 3x |
| - TU/e (Eindhoven University of Technology) | 2x |
| - VU (VU Amsterdam) | 1x |
| - TUD (Delft University of Technology) | 1x |
| - UT (University of Twente) | 1x |
| - NWO (Netherlands Organisation for Scientific Research) | 1x |
| - UMCU (University Medical Centre Utrecht) | 1x |

Statistics: number of expert opinions in 2017

In 2017, the LOWI did not consult any experts regarding the petitions settled in full in 2017.

Statistics: number of hearings in 2017

The LOWI held hearings in order to settle two petitions.

Statistics: length of the LOWI procedure in 2017

The LOWI's procedures took between four (minimum) and 52 weeks (maximum), from receipt of the petition by the LOWI to the relevant opinion or decision issued by the LOWI. On average, a LOWI procedure took approximately **23 weeks**.

Substance: topics of the petitions

There are two main subjects addressed by the LOWI: the suspected violation of the principles of research integrity and the way in which the complaint is settled by CWI and the Board in the first instance.

In practice, a ruling on other subjects is also requested on a regular basis. This usually concerns conflicts relating to employment law and copyright law or matters that should be the subject of scientific debate. The LOWI does not issue rulings on these subjects.

Below is a brief description of some of the (substantive and procedural) subjects considered in the LOWI's opinions and decisions published in 2017.

- 2017-01 (opinion): concerning plagiarism and the relevance to research of a previously published book
- 2017-02 (decision): concerning the handling of a review request and new facts and circumstances (nova)
- 2017-03 (opinion): concerning the referencing of sources, the verifiability of a dissertation and the authorship of commissioned reports
- 2017-04 (opinion): concerning the referencing and use of sources, the further formulation of the complaint by the CWI and the requirements for substantiation of a CWI opinion
- 2017-05 (opinion): concerning the halting of a complaint procedure due to (persistent) violation of the duty of confidentiality by the Complainant
- 2017-06 (opinion): concerning commenting on other people's research as a form of academic practice
- 2017-07 (decision): concerning the submission requirements for a petition to the LOWI and the consequences of refusing to comply with them
- 2017-08 (opinion): concerning the difference between criticism of research choices and integrity issues
- 2017-09 (opinion): concerning agreements with the client who commissioned a study, the use of non-public sources and the reuse of data
- 2017-10 (opinion): concerning the obligation to abide by considerations from a preliminary decision
- 2017-11 (decision): concerning the LOWI's competence to consider a petition
- 2017-12 (opinion): concerning the organisation of the complaints procedure, the mentioning of a manager as the inventor and the imposition of a prohibition on publication
- 2017-13 (opinion): concerning the complaints procedure and its duration, supervision of a PhD candidate, (unwanted) co-authorship and referencing of sources
- 2017-14 (opinion): concerning the applicability of the Social Support Act (WMO), prospective or retrospective research and the description of the nature of the research in a publication

Substance: rulings and opinions, final decision by the Board

Where the LOWI rules that a petition is **inadmissible** or the LOWI **lacks the necessary competence**, this ruling is not followed by a substantive opinion on the preliminary decision. Where the LOWI rules that a petition is **unfounded**, the LOWI will generally advise the Board to confirm the preliminary decision as the final decision. There may be grounds for advising the Board to amend the final decision in light 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 will decide whether to adopt the LOWI's opinion and will provide the LOWI with a copy of its final decision. This enables the LOWI to monitor the effectiveness of its opinions.

Below is a general summary of the LOWI's rulings and opinions in 2017 and an indication of whether the relevant Boards did or did not act in line with its opinions.

- 2017-01: The petition was ruled **unfounded**. The disputed article did not contain any text or data from the Petitioner, so there was no question of plagiarism. The Petitioner's previously published book cannot be considered an essential source. The Board adopted the LOWI's opinion that the decision should be left unchanged.
- 2017-02: The petition was ruled **inadmissible**. The petition asked for two LOWI opinions dating from 2009 to be reviewed but without new facts or circumstances having been submitted or become evident. The petition was not considered and the LOWI did not therefore issue an opinion to the Board involved at the time.
- 2017-03: The petition was ruled **unfounded**, with the proviso that, unlike the CWI, the LOWI held that the Interested Party acted in a culpably negligent manner in the way he based his dissertation on other people's work and dealt with the referencing of sources, and acted in a negligent manner in the way he listed reports as his own publications. The Board adopted the LOWI's opinion that the preliminary decision should be confirmed as the final decision, referring to the LOWI's considerations.
- 2017-04: The petition was ruled **founded** as it was not possible to ascertain from the CWI's opinion what exactly the CWI had investigated and which considerations had led to its conclusions. The LOWI advised the Board to ask the CWI to re-investigate the complaint. The Board adopted the LOWI's opinion. Following a second CWI opinion, the Board once again ruled the Petitioner's complaint unfounded.
- 2017-05: The petition was ruled **unfounded**, because the Petitioner failed to comply (in full) with the CWI's injunction to remove his Internet posts about the complaint and it had been made abundantly clear to him that this could be the consequence of his violation of the duty of confidentiality. The Board adopted the LOWI's opinion that the preliminary decision should be confirmed as the final decision.
- 2017-06: The petition was ruled **unfounded**, because the same requirements cannot be set for writing a commentary on another person's research as for conducting that research. The discussion of research results is a matter for scientific debate. The Board adopted the LOWI's opinion that the preliminary decision should be confirmed as the final decision.
- 2017-07: The petition was ruled **inadmissible**, because the Petitioner refused to comply with the submission requirements for a petition, even after it had been made abundantly clear to him that inadmissibility could be a consequence of this. The petition was not considered and the LOWI did not therefore issue an opinion to the Board involved either.
- 2017-08: The petition was ruled **unfounded**, because a discussion of the way a study is conducted and accounted for or the methodology used only becomes a question of

research integrity if it can be proved that the researcher deliberately acted contrary to the principles and elaborations of the Netherlands Code of Conduct for Academic Practice. The Petitioner's criticism of the study is a matter for scientific debate. The Board adopted the LOWI's opinion that the preliminary decision should be confirmed as the final decision.

- 2017-09: The petition was ruled **unfounded**, because it was not proved that agreements had been made that were contrary to the principles of research integrity, the possibility was not excluded that the (non-public) sources could have been verified by other researchers and the reuse of data was in line with current principles of data management. The Board adopted the LOWI's opinion that the preliminary decision should be confirmed as the final decision.
- 2017-10: The petition was ruled partly **founded**, because the LOWI held that the Interested Party wrongly failed to observe the Board's considerations in a preliminary decision with regard to a complaint concerning this Interested Party. As he had accepted the preliminary decision by not submitting a request for an opinion to the LOWI, the Interested Party should have observed the considerations. He failed to do so, even though he expressly had the opportunity to do so. The Board did not adopt the LOWI's opinion, because it held that the case concerned superfluous considerations and the Board felt it was less self-evident that the Interested Party should have taken these into account.
- 2017-11: The petition was **not considered**, because the LOWI is not competent to give an opinion until such time as the Board has taken a decision. The LOWI advised the Petitioner to make enquiries with the Board with regard to the settlement of the complaint he submitted.
- 2017-12: The petition was ruled **unfounded**, because although mentioning a manager as inventor is undesirable, it did not constitute a violation of the principles of research integrity and, furthermore, it was promised at the hearing that the Petitioner would be allowed to publish and to continue the study. The Board accepted the LOWI's opinion that the preliminary decision should be confirmed as the final decision, referring to the LOWI's considerations.
- 2017-13: The petition was ruled partly **founded**, where it concerned the excessive duration of the complaints procedure and the (in)completeness of the review of part of the complaint. In all other respects, the petition was ruled **unfounded**, because there was no further reason to doubt the correctness of the CWI's opinion. The Board adopted the LOWI's opinion that the preliminary decision should be confirmed as the final decision, referring to the LOWI's considerations.
- 2017-14: The petition was ruled **founded**. The study had characteristics of both retrospective and prospective research and the researchers made inconsistent statements. If the study had been prospective, the data obtained would have been contrary to the WMO. If the study had been retrospective, its publication would have been misleading. In both cases, the LOWI held that they were in violation of the principles of research integrity. The Board did not adopt the LOWI's opinion that it should characterise the researchers' actions in accordance with the LOWI's considerations if it decided to maintain its preliminary ruling. The Board believed that the LOWI's considerations were supplementary and were not relevant to the re-assessment of the original complaint.

7. Summary table

The table below presents the most relevant figures from section 6 of this report.

2017	
Total number of petitions:	20
Total number of petitions settled:	14
- ruling on submission requirements	3
- ruling on substance	11
- withdrawn	1
Total number of opinions/decisions issued:	14
- number of these published	14
Average length of procedure	23 weeks

The tables from previous years:

2016	
Total number of petitions:	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 procedure	29 weeks

2015	
Total number of petitions:	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 procedure	25 weeks