

Summary of LOWI opinion 2015-11

The Petitioner complained to the Board about image manipulations appearing in a number of publications issued over a period of several years under the supervision of the Interested Party. The Board found the complaint unfounded, referencing expert opinions. Although some of the image manipulations could be called 'bad practice', the Board considered that the manipulations did not influence the scientific conclusions, and that there was no evidence of manipulations deliberately intended to alter research results. Research integrity can only be said to have been violated when the contested actions go beyond errors and negligence and the researcher, after appropriate criticism, is not prepared to change his behaviour. The Interested Party amended his behaviour, for example by issuing stricter editing instructions.

Upon receipt of the Board's preliminary decision, the Petitioner submitted a detailed petition. The Petitioner argued as follows: 1) that the Interested Party in fact had violated the principles of scientific integrity; 2) that the Board had misinterpreted the principles of research integrity; 3) that there were inconsistencies and unfair treatment during the complaint procedure; 4) that the relevant expert opinions were incorrect, and 5) that the Interested Party had disregarded a duty of confidentiality by publishing a number of corrections during the complaint procedure.

The LOWI's ruling is as follows:

Although the Petitioner disputed the expert opinions, he did not advance any specific arguments casting doubt on their accuracy or thoroughness. There is no evidence of bias favouring the Interested Party. The expert opinions were carefully prepared, insightful and conclusive. They support the Board's decision and have also served as the starting point for the LOWI. The experts observe that the image manipulations were cosmetic in nature and concerned non-scientific sections of the images. This is in line with information furnished during interviews with the LOWI by two image editors employed during the relevant period.

A number of the cosmetic manipulations did not live up to the standards applicable even then. Although this makes them examples of 'bad practice', they cannot be characterised as violations of research integrity. A failure to observe standards of scrupulousness is not, by definition, also a violation of the principles of research integrity. In the present case, it is important that the Interested Party took steps to correct the inaccuracies and prevent their repetition after the 'bad practice' was pointed out to him. Another relevant point, clarified by the expert opinions, is that the cosmetic edits did not qualify unmistakably as 'bad practice' at the time of publication.

There was no need for the Interested Party to wait before publishing his corrections. Their publication could not have prevented proper consideration of the complaint, and was not intended to cover up any violation of the principles of research integrity. The fact that a complaint procedure is pending should not prevent necessary corrections from being made. In addition, once the Petitioner had published his accusations online, the Interested Party could not be blamed for wanting to quell any doubts about the

quality of his scientific work. Indeed, by publishing his accusations and initiating a complaint procedure shortly thereafter, the Petitioner had himself acted inappropriately.

In the LOWI's view, neither the nature of the image manipulations nor the instructions issued to the image editors indicate that the Interested Party intended to mislead peers. In addition, cosmetic and other image manipulations were and are customary in publications of scientific research in this field. There is also no plausible evidence that the cosmetic image manipulations influenced the research conclusions or undermined the raw data. The Interested Party's failure to adhere to the publication guidelines has not led the LOWI to conclude that he violated the principles of research integrity; after all, the standards of behaviour are not set by publication guidelines but by the Netherlands Code of Conduct for Academic Practice.

There is no reason why the previous integrity case, in which the Petitioner was ruled to have violated the principles of research integrity, should have affected the Interested Party's actions. After all, those actions were of a very different order than the Petitioner's actions at that time. It is perhaps unnecessary to point out that complaint procedures are not meant to be a vehicle for overturning an earlier integrity ruling. That earlier ruling concerning the Petitioner should have led the Interested Party to issue written rather than only oral instructions to his research group, but his failure to do so is not a violation of the principles of research integrity.

The Research Integrity Committee's failure to ask the Interested Party to submit all the raw data, contrary to the Petitioner's wishes, is hardly a violation of the principles of research integrity on the part of the Interested Party. In fact, the Interested Party volunteered to submit all the raw data several times. Generally speaking, the significance of raw data can be measured on a sliding scale running from 'absolutely necessary for the research conclusions' to 'unimportant for the research conclusions'. In this specific case, it was not necessary to have all the raw data available to assess the complaint.

The LOWI considers that the petition is unfounded and has advised the Board to uphold its preliminary decision unaltered. On 9 October 2015, the Board issued a decision in line with the LOWI's opinion.