

Summary of LOWI opinion 2016-05

The Petitioner complained about a report (co-)authored by the Interested Party concerning actions on the part of the Petitioner. According to the Petitioner, the report was not compiled with the necessary care, the Interested Party failed to properly substantiate his report about the actions of the Petitioner, and the Interested Party is to blame for the media uproar about the report.

The Research Integrity Committee (RIC) considered that the report is not a scientific publication and that it was not written under the academic responsibility of the relevant university. The Board declared the complaint invalid, in line with the RIC's recommendation. The Petitioner then submitted a request to the LOWI.

The Petitioner's most relevant objections are described below:

- The Petitioner does not agree that the report is not a scientific publication and that it was not written under the academic responsibility of the relevant university. According to the Petitioner, this would mean that scientists are free to showcase themselves as such in their commercial sidelines while playing fast and loose with the scientific integrity of their work;
- The Petitioner asks the LOWI to ascertain whether an assessment of the scientific integrity of scientists' work in a commercial context should be the subject of an opinion by the LOWI.

Below are the LOWI's most relevant considerations:

- The scientific integrity of work by scientists in a commercial context can only be assessed if the work in question can be qualified as 'scientific practice'. The fact that a scientist has authored a work is not enough to conclude that the work in question is scientific practice.
- The Petitioner is correct in the sense that it would be objectionable for a work whose nature and contents qualify it as scientific practice not to be open to review under the rules of scientific integrity merely because the part-time scientist produced this work within the context of another organisation rather than within the context of the academic institution with which he is also affiliated. That would be especially objectionable when the part-time scientist explicitly refers to his (part-time) appointment at the university within the context of his main occupation and in doing so perhaps raises expectations about the (scientific) quality of the work in question.
- Be that as it may, it is primarily the responsibility of the universities themselves to develop, implement and enforce an integrity policy, and it is also up to them to determine the scope of their Complaints Procedure. The Complaints Procedure of the university in question is limited in this regard; the Board has chosen to bear no academic responsibility for work that is carried out under the responsibility of another organisation.
- Since it is clear that the report was not written in the academic context and the Interested Party's part-time appointment also only amounts to a few hours, the Board's ruling can be upheld. The report falls outside the scope of the Complaints Procedure and cannot be reviewed under the Netherlands Code of Conduct for Academic Practice. The following is also important in that regard.

- Various opinions issued by the LOWI indicate that under certain circumstances, 'extracurricular activities' may also fall within the scope of the Netherlands Code of Conduct for Academic Practice, provided that these activities can be qualified as scientific practice.
- The question is whether the report can be qualified as scientific practice, given its nature and contents. What is relevant is that the Interested Party was asked to conduct a study following media reports about possible abuses, that the report concerns the specific actions of the Petitioner and other parties, and that the findings of the study are case-driven. This cannot be equated with formulating scientific conclusions based on scientific research.
- No scientific problem has been stated, no reference is made to earlier research results, and there was clearly no intention of publishing the report in a scientific journal as a work of science. The report describes a specific situation without claiming that anything can be generalised or extrapolated from this knowledge, nor does it draw any general conclusions. The report does not address the scientific forum, nor a broad readership of knowledgeable laypersons in order to draw attention to scientific findings. Furthermore, nothing indicates that the report is meant to contribute to the accretion of scientific knowledge. The fact that a single section presents matters from a more scientific perspective is not enough to qualify the report as scientific practice.
- This means that there is no reason to review the report under the Netherlands Code of Conduct for Academic Practice. For this reason as well, the request is unfounded.

The LOWI has advised the Board to adopt its preliminary ruling unamended in its final decision.

On 28 June 2016, the Board issued a decision in line with the LOWI's opinion.