

## Summary of LOWI opinion 2016-06

The Petitioner complained that the Interested Party misrepresented matters in his book, in part owing to the incorrect use of resource material. According to the Petitioner, the Interested Party did not adhere to the rules applicable in the relevant scientific discipline.

In the first instance, the Research Integrity Committee (RIC) ruled that the complaint was unfounded because the book was not a scientific treatise but rather a popular contribution to a public debate. It considered that a scientist who publishes a work of non-fiction in a private capacity has, in principle, an obligation to society to be truthful, but that the Netherlands Code of Conduct for Academic Practice did not apply in full. The LOWI, however, recommended a reconsideration of the complaint (LOWI opinion 2015-07) and recommended that the Interested Party's use of resource material should in fact be reviewed under the Netherlands Code of Conduct for Academic Practice. Thereby the LOWI noted that a more marginal review could be applied, given that the book qualified as a popular science publication.

The RIC reconsidered the complaint, emphasising that it would not be able to judge whether the resources interpretation and the conclusions were true or false, but that it would examine whether the research adhered to professional standards of scientific practice in the relevant scientific discipline. The Interested Party could have given a clearer indication of the limits to his expertise and the method that he had chosen, but his lack of accountability cannot be qualified as a violation of the principles of research integrity. In view of the sensitivity of the question, the Interested Party could have acted with greater care, but it was not shown that he acted unacceptably by not including available resources.

The Board once again declared the complaint unfounded, 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 Board did not adhere sufficiently to the previous LOWI opinion and used the report submitted by the Petitioner not as a point of departure but as its end point. The Petitioner questions whether the RIC's second examination was thorough enough.
- The Petitioner gave a chapter-by-chapter explanation of what he believes is improper about the book, and asked the LOWI to judge whether these points fall within the scope that the RIC has given the Interested Party. The Petitioner also asked whether it is right for this book to remain in Metis (research information system) as a popular science publication.
- The Petitioner continues to believe that the Interested Party is biased and prejudiced, and for those reasons has not acted with the required research integrity.

Below are the most relevant considerations in the LOWI's opinion:

- The RIC consisted of five members, the majority of whom were not involved in the previous review of the complaint; an expert was also appointed as a temporary member of the RIC. There is no reason to doubt the expertise and impartiality of the members who produced the ruling.

- Provided it has good reasons for doing so, the Board is free to deviate from the LOWI's opinion. Moreover, the Board did adhere to the LOWI's opinion. The RIC applied the Netherlands Code of Conduct for Academic Practice in its review, there is enough evidence that it took the report submitted by the Petitioner and the Interested Party's response to it as its starting point, and the RIC considered the expert opinions requested by the LOWI at an earlier stage in its review.
- Like the RIC's review, the LOWI's review is not such that decisive conclusions are reached about the reliability of the interpretation of the resources and the conclusions. The RIC justifiably considered that an incorrect interpretation of resource material only qualifies as scientific misconduct if the relevant party persists in misrepresenting matters or presents inaccurate conclusions after the scientific community has arrived at an undisputed opinion. There is no undisputed opinion in this case, however.
- Equally justifiable is the RIC's consideration that scientific misconduct can only be said to have occurred if the researcher goes beyond errors and inaccuracies and does not amend his methods after serious and well-founded criticism. The report submitted by the Petitioner consists mainly of a difference of opinion regarding the interpretation of resource material, and cannot be regarded as serious and fundamental criticism for that reason.
- The LOWI will not issue an opinion on the correctness of the Petitioner's and Interested Party's differing views.
- In its earlier opinion in this case, the LOWI already judged that the book should be qualified as a popular science publication. It can serve to communicate about science with non-scientists and meets the requirements that Metis sets for popular science publications.
- In summary, the LOWI has concluded that the RIC adhered to the LOWI's previous opinion, that the RIC's new ruling satisfies the requirements of due care, and that the present opinion can uphold the Board's ruling. There is no reason to advise the Board to amend its decision to change the description of the book in Metis to a popular science publication (or have that description changed).

The LOWI considers the request unfounded and has advised the Board to uphold its preliminary ruling unamended in its final decision.

On 26 July 2016, the Board issued a decision in line with the LOWI's opinion.