

Summary of LOWI opinion 2016-12

The Petitioner complained about an article by the Interested Parties and an earlier conference paper that the Interested Parties had co-authored with three others. According to the Petitioner, the Interested Parties had deliberately avoided citing his work. In the later paper, they did not adhere to a promise that they would exercise greater care in future. By making unsubstantiated negative comments about the Petitioner, the Interested Parties had attempted to discredit him. They also concealed their own commercial interests. In doing so, they had damaged the Petitioner's reputation as a researcher and his business.

The Research Integrity Committee (RIC) ruled that the Interested Parties had not deliberately published falsehoods about the Petitioner's work. Even if that had been the case, the most logical course of action would be to dispute their claims by publishing an article about the matter in the context of a scientific debate.

Neither did the Interested Parties commit slander; criticism has its place in scientific debate. In the view of the RIC, deliberately omitting a reference to the Petitioner's work was not a violation of the Netherlands Code of Academic Practice because it did not count as a culpable and gross violation. The RIC ruled that the Interested Parties had failed to exercise due care towards colleagues, but did not consider this conduct an infringement of the principles of research integrity. The Board informed the Petitioner that it was adopting the RIC's conclusions.

The Petitioner's most relevant objections are as follows:

- The Interested Parties did not state the status of the research accurately.
- The Petitioner argues that the RIC's examination of his complaints was inadequate.

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

- The LOWI agrees with the Board's view that the Interested Parties did not exercise due care and could have been more generous in referencing the Petitioner's work. Whether such misrepresentation was deliberate is difficult to determine. The LOWI is not an arbiter of scientific debates and can offer no opinion on the accuracy or inaccuracy of the Interested Parties' opinions. On the other hand, they have ignored the Petitioner's work in a manner that comes close to misrepresentation. The Interested Parties were aware of the Petitioner's recent work but did not draw the attention of their readers to it. In that respect, they did not exercise due care. Whether this more recent work is in fact an improvement, however, is a matter best left to scientific discourse. The LOWI therefore agrees with the Board that the Petitioner could have published his own article (refutation).
- In the LOWI's view, the RIC did not ignore the additional grounds. The text of the ruling shows that the RIC took them into account; as a result, the petition is not substantiated by factual evidence in this regard. The LOWI is also of the opinion that the RIC did not ignore the connections between the various aspects of the complaint. In the LOWI's view, the RIC addressed all three aspects of the complaint in two successive sections of its ruling, and in each section it referred to the other section.

The LOWI also considers that the ruling does not show that the RIC looked exclusively at whether the Interested Parties deliberately made incorrect use of statistical methods and/or

deliberately misinterpreted results. The RIC also ascertained whether the Interested Parties had deliberately ignored and omitted to acknowledge the contributions of other authors, and whether they permitted or concealed misconduct on the part of colleagues.

In the LOWI's opinion, the petition is partly inadmissible and partly lacks factual evidence; it therefore advises the Board to uphold its decision unamended. The LOWI does recommend, however, that the Board consider how it can encourage scientific debate about the subject of the petition within the University.

On 17 November 2016, the Board issued a decision in line with the LOWI's opinion and recommendations.