

Summary of LOWI opinion 2016-13

The Petitioner had submitted a complaint about the Interested Party, who is supervising a study related to projects developed by the Petitioner. According to the Petitioner, the Interested Party was guilty of stealing his research, ideas and contacts, and of infringing his copyright and intellectual property rights. Although the Petitioner was responsible for the subject matter of research being conducted by two other researchers, the Interested Party had not wanted to involve him as a co-PhD supervisor because he was retired.

The Research Integrity Committee (RIC) found the Petitioner's complaints about the faculty's hierarchical and organisational structures and infringement of intellectual property rights and copyright inadmissible. These complaints had no bearing on research integrity, and the RIC did not consider itself competent to rule on them. The RIC ruled the complaint concerning the (alleged) violation of the principles of research integrity unfounded owing to insufficient substantiation. The Board informed the Petitioner that it was adopting the RIC's conclusions.

The Petitioner's most relevant objections are as follows:

- The Interested Party has acted contrary to Elaborations 1.7 and 2.3 of the Netherlands Code of Conduct for Academic Practice by appropriating the Petitioner's ideas and permitting their adaptation under his supervision. The Interested Party cited the Petitioner's retirement as the reason for appropriating the research. This statement contradicts the fact that the Petitioner has remained responsible for research conducted by two other researchers.
- The Interested Party acted contrary to Elaboration 1.10 of the Netherlands Code of Conduct for Academic Practice by interfering in the subject matter of the study, even though he does not have the relevant expertise.

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

- The LOWI agrees with the Board's conclusion that the RIC is not competent to rule on complaints concerning hierarchical and organisational structures and civil law issues. These cannot be regarded as complaints about academic teaching or scientific research. This means that there is no reason to review these complaints under the Netherlands Code of Conduct for Academic Practice. Moreover, also in accordance with Article 7.4 of the LOWI Regulations, the LOWI is not competent to rule on civil law issues such as copyright and intellectual property rights.
- The LOWI does not consider that the Interested Party has acted contrary to Elaboration 1.7 of the Netherlands Code of Conduct for Academic Practice (scrupulousness in relationships between scientific practitioners). Those who wish to continue an ongoing study do not require the consent or involvement of a retired researcher. In fact, it is inherent to science and to scientific progress that scientists build on one another's work.
- There have been no violations of Elaboration 2.3 (no misuse of an author's ideas), or Elaboration 1.3 (accurate source references) of the Netherlands Code of Conduct for Academic Practice. For violations to have occurred, the Interested Party must, at the very least, have presented the Petitioner's ideas or results as his own. However, the Interested Party has acknowledged that the research is based on the Petitioner's ideas and research proposals.

- There has been no violation of Elaboration 1.10 of the Netherlands Code of Conduct for Academic Practice. In the LOWI's view, the Interested Party has not accepted any tasks that lie beyond his expertise. The Interested Party bears final responsibility for the research in an official and administrative capacity. A university professor can be expected to be capable of assuming such responsibility. The Interested Party's lack of expertise in the subject matter of the research does not imply incompetence in that regard.
- Finally, the LOWI considers that the Petitioner's consent is not required before contacting individuals who are important to the research. These are, after all, the Petitioner's professional contacts, and not personal ones.

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

On 29 November 2016, the Board resolved to finalise its preliminary decision in accordance with the LOWI's opinion.