

Summary of LOWI opinion 2016-15

The Petitioner, who serves as lead PhD supervisor, had complained about the Interested Party's decision not to withdraw as second PhD supervisor despite the conflict that had arisen between the two. According to the Petitioner, the Interested Party had violated the Netherlands Code of Conduct for Academic Practice by failing to adhere to the duty of confidentiality during complaint proceedings, by failing to avoid situations in which reasonable doubt could arise concerning the objectivity of scientific judgement, by breaching an agreement concerning supervision of the PhD candidate, and by failing to avoid personal relationships that could lead to the coercion or exploitation of a subordinate.

Finally, the Petitioner had disputed the impartiality and neutrality of the dean in this matter.

The Research Integrity Committee (RIC) ruled the complaint concerning objectivity of scientific judgement ungrounded: it had found no grounds to cast reasonable doubt on the objectivity of the Interested Party's judgement, nor had it found any reason for the Interested Party to withdraw as supervisor. The RIC ruled the other complaints inadmissible. The Interested Party was not involved in reviewing a complaint about the PhD candidate's integrity that a third party had submitted and then withdrawn. The RIC did not regard it as its task to rule on the possible breach of an agreement between the Petitioner and others. There was no evidence of any form of coercion or exploitation of a subordinate because the PhD candidate had been offered various options.

The Board resolved to adopt the RIC's conclusions.

The Petitioner's most relevant objections are as follows:

- When a member of a Doctorate Committee has a conflict of interest, s/he must resign.
- The Interested Party was involved in reviewing a complaint concerning the PhD candidate's integrity; the Complainant in this matter had informed him of the complaint and the Interested Party attended a meeting at which the complaint was discussed with the confidential counsellor.
- Despite having made highly detailed arrangements concerning the PhD candidate's supervision, the Interested Party had approached another, external supervisor for the PhD candidate without consulting the Petitioner.
- In accordance with the Netherlands Code of Conduct for Academic Practice, the dean had a duty to report a possible violation of the principles of research integrity but knowingly omitted to do so.

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

- Concrete evidence is needed to ascertain whether there is reasonable doubt as to the Interested Party's objectivity. The Petitioner's views are based on assumptions and suspicions that can be traced back to an employment conflict with the Interested Party. In the LOWI's view, this was no reason for the Interested Party to withdraw as the second PhD supervisor. A conflict between two scientists does not, in itself, raise reasonable doubts about one of the parties' objectivity concerning the work of a third scientist.

- The LOWI does not agree with the RIC's conclusion that the Interested Party was not in any way involved in reviewing the integrity complaint lodged against the PhD candidate. The assertion that the Interested Party attended a meeting about the complaint has not been contradicted. By raising the complaint in the presence of a third party who was not involved in reviewing the complaint, the Interested Party failed to adhere to the duty of confidentiality. However, failure to adhere fully to a duty of confidentiality does not constitute a violation of the principles of research integrity. The duty of confidentiality is covered by the complaints procedure, but it does not form part of the Netherlands Code of Conduct for Academic Practice and is therefore not a defining rule for integrity in scientific practice. In the LOWI's view, failure to comply with this duty cannot lead to the conclusion that the principles of research integrity have been violated.
- The LOWI does not agree with the Petitioner's interpretation of elaboration 1.8 of the Netherlands Code of Conduct for Academic Practice. Although the supervision of a PhD candidate essentially constitutes academic practice within the meaning of the Code, in this instance it is mainly a question of proper mentorship. By calling in an external expert to give the PhD candidate the necessary extra supervision, the Interested Party has more than fulfilled his duty as a PhD supervisor. It would have been more appropriate to have informed the Petitioner in advance, but in the LOWI's view that does not mean that the principles of research integrity have been violated.
- The LOWI's consistent line of reasoning is that only those actions that qualify as scientific practice come within the scope of the Netherlands Code of Conduct for Academic Practice. The dean's failure to contact the RIC does not qualify as scientific practice and therefore cannot be regarded as a violation of the principles of research integrity.

The LOWI considers the petition unfounded and advises the Board to amend its preliminary decision in such a way that all elements of the complaint are held to be unfounded.

The LOWI also recommends that the ruling of inadmissibility concerning certain elements of the complaint should be added to the preliminary decision for reasons of procedural scrupulousness. A separate ruling by the RIC concerning the inadmissibility of certain elements of the complaint might result in the Board not taking an explicit (preliminary) decision on those elements. If the procedural rules are strictly interpreted, these elements could then not be included in the proceedings before the LOWI.

On 22 December 2016, the Board issued a decision in line with the LOWI's opinion and recommendations.