

## Summary of LOWI opinion 2017-03

Keywords: negligent source reference, confidential reports, authorship

Relevant provisions: Principle 3 of the Netherlands Code of Conduct for Academic Practice, Elaboration 1.1 and 1.4 of the Netherlands Code of Conduct for Academic Practice

### *Petition*

The Petitioner submitted a complaint about the Interested Party's dissertation, claiming that it was based primarily on reports authored by others. According to the Petitioner, the Interested Party also falsely claimed to have made a discovery.

### *Opinion of the Research Integrity Committee (RIC) & decision by the Board*

The RIC ruled the complaint unfounded. The RIC found no evidence that part of the dissertation was based on the intellectual property of others: it was unclear how the Interested Party performed his role as project and programme coordinator and which arrangements had been made regarding intellectual property rights and knowledge exchange. The RIC acknowledged that the Interested Party was sloppy and negligent in how he handled data from internal work reports. However, the Complaints Procedure does not cover references to internal, partially confidential work reports. The censured conduct is not among the violations listed in the Complaints Procedure, and there has therefore been no violation of research integrity. The Board decided to adopt the RIC's considerations and to rule the complaint unfounded.

### *The Petitioner's most relevant objections are as follows:*

- The Interested Party used the research results (figures and conclusions) of others in chapters 3 and 4 of his dissertation without proper source reference.
- The Interested Party falsely claimed to have made a discovery.

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

- Writing a dissertation unquestionably falls within the realm of academic practice and as such, any references to sources perused in writing the dissertation must comply with the principles and elaborations of the Netherlands Code of Conduct for Academic Practice.
- The LOWI considers the source references in chapter 4 of the dissertation as culpably negligent. As a general rule, figures borrowed from another source must be credited in the text, in the caption beneath the figure, and in the bibliography. It is therefore not enough to have used a general reference as a source reference for the figures in chapter 4. According to the Complaints Procedure, negligent source reference may be regarded as a violation of research integrity. The LOWI would not go so far as to call this a violation, however, because the chapter does include a bibliography, albeit a flawed and incomplete one.
- The LOWI also considers the source reference in chapter 3 of the dissertation culpably negligent. Figures and portions of text in this chapter are borrowed from the appendix of a published report. The Interested Party could have and should have referenced the published appendix, in accordance with Principle 3 of the Netherlands Code of Conduct for Academic Practice. This action can be regarded as a violation of research integrity. However, because the PhD supervisor and assistant PhD supervisor evidently approved it, the LOWI is inclined to show leniency.

- Since the Interested Party was seriously negligent in his duty to cite references properly, the LOWI considers that the verifiability of the dissertation has been severely damaged. It will not do to explain the missing references by claiming that the reports were confidential: experts in the field can access the reports through a website. The act is not a violation of research integrity, but the LOWI does consider that the Interested Party is culpably negligent.
- The LOWI agrees with the RIC that the Interested Party's flawed source reference in his dissertation creates the impression that he is the author of certain reports. Owing to his role as content coordinator while these reports were being written, he can perhaps be regarded as one of the authors or co-authors, although he did not produce any texts himself. However, by not acknowledging the authors of the reports, he has failed to give credit where credit is due. This failing means that he has violated Elaboration 1.4 of the Netherlands Code of Conduct for Academic Practice (acknowledgement of authorship). The Interested Party did refer to the authors of one of the reports, so there is no culpability and no violation of research integrity, but he was negligent all the same in this case.
- The LOWI agrees with the RIC's conclusion that the extent to which the Interested Party improved on the discovery is irrelevant to the question of research integrity. The Interested Party told the RIC and the LOWI that he did not so much make a new discovery as optimise it. The LOWI regards the title of his dissertation misleading, however, and considers that the Interested Party acted negligently with regard to Elaboration 1.1 of the Netherlands Code of Conduct for Academic Practice.

#### LOWI ruling and opinion:

The LOWI has advised the Board to adopt its preliminary ruling, that the complaint is unfounded, as its final decision, but to amend the considerations in accordance with the LOWI's opinion.

#### Final decision by the Board:

On 28 February 2017, the Board resolved to adhere to the LOWI's opinion and to issue its final decision in accordance with that opinion.