

Summary of LOWI decision 2017-11

Keywords: competence of LOWI, no written refusal by Board

Relevant provisions: Article 3.1, 6.1, 7 of the LOWI Regulations

Petition

In 2014, a complaint was filed against the Petitioner concerning an alleged violation of the principles of research integrity. Following the resolution of an earlier complaint, the Petitioner submitted a complaint in March 2017 concerning an alleged violation of the principles of research integrity by a number of professors involved in the earlier complaint, and against members of the Research Integrity Committee at that time. The Petitioner has asked the LOWI to issue an opinion because the Chairperson of the relevant institution had refused to investigate his complaint and because there was a failure to comply with the institution's Complaints Procedure.

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

- In accordance with the LOWI Regulations, the LOWI is only competent to issue an opinion if the Board has taken (or intends to take) a (preliminary) decision. The LOWI Regulations state that the Board's written refusal to render a decision must also be regarded as a decision.
- The competent body is the Board, and not the Chairperson of the institution. The Petitioner did not submit a copy of a decision by the Board. The documents submitted by the Petitioner, including e-mail messages and the minutes of meetings, are not sufficient to be taken as evidence of a written refusal by the Board.

LOWI's ruling:

The petition was submitted without the Board having taken a decision. The LOWI is therefore not competent to review the Petitioner's petition.