

Summary of LOWI decision 2018-09

Keywords: competence of LOWI, admissibility of petition, written refusal by Board

Relevant provisions: Articles 1, 2.1, and 7.2 of the LOWI Regulations 2018

Board involved: Executive Board, VU Amsterdam

Petition

The Petitioner submitted a petition for a report by a VU emeritus professor to be reviewed under the principles of professional academic practice. According to the Petitioner, the emeritus professor was guilty of falsifying and manipulating the presentation of data and the principle of hearing both sides had not been respected.

The most relevant considerations in the LOWI's opinion:

Pursuant to Article 7.2 of the LOWI Regulations 2018, the LOWI may only consider a petition if the Board has issued a ruling on a complaint by the Petitioner. The definitions section in Article 1 of the LOWI Regulations 2018 stipulates that a ruling by a Board is also understood to mean the written refusal by the Board to issue a ruling. When submitting the Petition, the Petitioner did not submit a copy of a ruling by the Board. That was also not possible because it appears from the documents that the Petitioner did not submit a complaint to the Board. Furthermore, the Petitioner has failed to demonstrate that the Board refused in writing to issue a ruling. A conversation with an employee of the university cannot be regarded as a written refusal by the Board. The same applies to a conversation with the Confidential Advisor and e-mails from the Confidential Advisor.

LOWI ruling:

The Petition will not be considered because it does not meet the admissibility requirements set out in Article 7 of the LOWI Regulations 2018.