

Annual report of the LOWI advisory committee 2021



LOWI Report on the Year 2021

Amsterdam, September 2022

The Netherlands Board on Research Integrity (LOWI)
Postbus 19121, 1000 GC Amsterdam (NL)
T +31 (0)20-5510719
secretariaat@lowi.nl
www.lowi.nl

Front page illustration ©:
Pronken met andermans veren (kleurets) / The crow in borrowed feathers (colour etching), J.W.M. van der Meer,
2014

Foreword

This annual report shows that the LOWI, just like previous years, has issued a variety of advisory opinions. These covered important topics such as the scope of scientific and scholarly research, data falsification, plagiarism and transparency. A total of 22 cases reached their conclusion in 2021.

It is noteworthy that the reasons why complaints are filed with a Research Integrity Committee (hereinafter a “RIC”) vary quite widely. The preamble to the Dutch code of conduct for scientific integrity 2018 (hereinafter referred to as the “code of conduct”) states that the goal of the code of conduct is promoting proper and honest scientific research. Many complaints against scientists however do not appear, at least in the first instance, to derive from this desire to promote scientific integrity. Or to put it differently, it often seems that interests other than the promotion of scientific integrity predominate among the complainants.

This is partially caused by the code of conduct itself: it does not set requirements for the role of the complainant. A complainant does not need to state his or her interests. The code of conduct has five principles and 61 standards. The principles themselves can also provide the basis for a judgement. The principles and standards are formulated in such a way that a complainant can always find sufficient starting points for his or her opinion that the code of conduct has been violated. On top of that, the LOWI interprets the term ‘scientific and scholarly research’ broadly such as also covering articles in newspapers and weekly magazines, press releases and statements on social media.

There are various categories of complaints in which interests other than the promotion of proper and honest scientific and scholarly research seem to play a role. Below, some categories of cases are presented that occur relatively frequent in order to give an impression of the types of cases that the LOWI handles and the reasons why the petitions are submitted to the LOWI.

One important category of complaints is that in which there is an underlying conflict, for instance a labour dispute. Sometimes that conflict involves the relationship between a supervisor and a PhD candidate. There are also cases in which the conflict concerns problems within an institution. In this category, the underlying conflict and the complaint about research integrity are strongly interlinked. Resolving the conflict can eliminate the reason for submitting the complaint or can prevent the complaint. The LOWI is concerned that the boards of institutions, or parts thereof, are apparently not successful in reaching acceptable solutions to resolve such underlying conflicts. This is consistent with the report of the Royal Netherlands Academy of Arts and Sciences (KNAW) on social safety at scientific institutions, which revealed a similar incapability.¹

A second category of complaints in which interests other than the promotion of good and honest scientific and scholarly research seem to play a role, are complaints made by people who do not agree with the opinions of scientists in matters that are the subject of considerable public debate. The complainants in question seem to be using the possibility of filing a complaint as a way of proving their own point in the public debate. One example is the use of the term ‘Armenian genocide’. Other examples are complaints about historical investigations and the interpretation of good and evil in the Second World War or the atrocities in the Dutch East Indies. In these types of cases, the question remains whether the

¹ Royal Netherlands Academy of Arts and Sciences, Social safety in the sciences in the Netherlands. From paper to practice, July 2022 (<https://www.knaw.nl/publicaties/sociale-veiligheid-de-nederlandse-wetenschap-van-papier-naar-praktijk-0>).

complaint touches on scientific debate or whether there has been a violation of scientific integrity.

Somewhat related to this category are complaints filed by civil society organisations that oppose the outcome of research and research findings, in particular research commissioned by governmental authorities. Such organisations may for instance target a press release communicating the results of a study (or the quality of the study that was carried out).

The fourth category of complaints in which other interests play a role is when complainants use the RIC/LOWI procedure to strengthen their own position in a legal dispute. In those cases, it comes down to a procedure within a procedure: the possibility of filing a complaint with a RIC and then proceeding to the LOWI is motivated by the desire to strengthen the legal position.

Finally, like any other organisation, the LOWI and its secretarial office have to deal with frequent complainers and former complainants who keep coming back to advisory opinions, requesting revisions, using the option of submitting complaints against the LOWI or its members and are otherwise constantly communicating with the LOWI. This is a heavy burden on the LOWI's small secretariat.

In the context of quality management the LOWI Foundation will commission a study in 2022 into how primary and secondary 'users' (such as the parties and the RIC's) perceive the LOWI's advisory opinions including aspects such as those mentioned above. The LOWI is looking forward to the results of this study.

Dr. E.J. Daalder, chairperson

1. Composition of the LOWI in 2021

In 2021, the LOWI advisory committee (hereinafter “the LOWI”) consisted of the following members:

Dr. E.J. Daalder, chairperson	administrative law
Prof. W.J. Zwalve, deputy chair (<i>to 1 June 2021</i>)	historical development of law
Prof. H.E. Bröring deputy chair (<i>from 1 June 2021</i>)	administrative law
Prof. L. Lechner	health psychology
Prof. J.P. Hogendijk	history of mathematics
Prof. J.G. van Erp	public institutions
Dr J. Tijdink	psychiatry
Prof. H.G. Brunner	genetics
Dr. P. Vuijk (<i>from 1 August 2021</i>)	special education

2. Status of the LOWI

The LOWI is governed by the LOWI Foundation, which also publishes an annual report. For more information on the foundation, we refer to this annual report.

3. The task of the LOWI

The LOWI is an independent advisory body within the complaints procedure for alleged research misconduct. The LOWI advises institutions where scientific and scholarly research is practised and that are affiliated with the LOWI. The LOWI does not issue an advisory opinion on its own initiative, but does this only on request. The LOWI assesses whether the complaints procedure at the RIC of the institution concerned was conducted with due care, whether standards of research integrity were violated and, if so, how the violation of standards should be characterized. Based on the LOWI’s advisory opinion, an institutional board issues a final ruling on whether or not research misconduct has taken place.

4. Institutions affiliated with the LOWI

Institutions affiliated with the LOWI in 2021 were:

- the founders: the KNAW, NWO and UNL (formerly VSNU) and their institutes
- the public and special universities, including the University Medical Centres and the Open University
- Sanquin Blood Supply Foundation
- University of Humanistic Studies
- National Institute for Public Health and the Environment (RIVM)
- Wageningen Research Foundation
- Netherlands Institute for Health Services Research (NIVEL)
- Theological University of Apeldoorn (TUA)
- Kampen Theological University (TU Kampen)
- Protestant Theological University (PThU)
- Amsterdam School of Real Estate (ASRE)
- Prinses Máxima Centre for Paediatric Oncology
- Royal Netherlands Meteorological Institute (KNMI)
- Nyenrode Business University (NBU)

- Research and Documentation Centre (WODC)
- Netherlands Bureau for Economic Policy Analysis (CPB)
- Netherlands Environmental Assessment Agency (PBL)
- Netherlands Institute for Social Research (SCP)
- Netherlands Association of Universities of Applied Sciences (Vereniging Hogescholen)
- Netherlands Organisation for Health Research and Development (ZonMw)
- Netherlands Institute for Transport Policy Analysis (KiM) as of 1 December 2021

5. Advisory opinions issued in 2021

[Advisory opinion 2021-22 \(KNAW\)](#)

The biography in this case was a popular scientific publication. The requirements for source material usage are therefore less strict. When revising the biography, the scientist involved paid sufficient attention to source material that was not known at the time of the first edition but was known at the time of the second edition.

[Advisory opinion 2021-21 \(University of Twente\)](#)

The press release was insufficiently clear about the method and scope of the research. Because the release was issued before publication of the research, the general public could not verify its content. To that extent petitioner did not comply with Standard 53. In the opinion of LOWI, this qualifies as questionable behaviour (considerations 15,17,19).

[Advisory opinion 2021-20-20 \(Eindhoven University of Technology\)](#)

An individual combines employment at a consultancy firm with part-time professorship. Is the code of conduct applicable? LOWI weighs all relevant facts and circumstances to assess whether there is a scientific practice to which the code of conduct applies. The extent to which the individual has manifested himself as a scientist is also considered.

[Decision 2021-19 \(Delft University of Technology\)](#)

Pursuant to the 2018 LOWI Regulations, only Complainants, Defendants or persons who have wrongly not been designated as such can submit an admissible petition to the LOWI (cf. 2020-12). The LOWI considers it correct that the Petitioners have not been classified as Complainants and sees no other option than to declare the petition inadmissible.

[Advisory opinion 2021-18 \(Leiden University\)](#)

The code of conduct applies to a legal opinion. The nature thereof may mean that not all standards from the Code can reasonably be considered applicable. In this case there is no question of violation of norms. The content of the legal opinion must be contested by Petitioner in legal proceedings, not with RIC or LOWI.

[Advisory opinion 2021-17 \(Tilburg University\)](#)

The Board should have taken a more critical look at the RIC-advice. LOWI not only takes into account power imbalance between student and professor, but also that they have submitted an integrity complaint about each other. Under these circumstances, there is no indication parties are still willing to further investigate the issue together, as stated in the RIC advice.

[Advisory opinion 2021-16 \(Open University\)](#)

Complaint about a podcast. Not all standards from the code of conduct apply. A podcast is an audio product with a certain accessibility. In principle, the assessment must be against the standards and not against the principles of the Code of Conduct. The question is whether a scientist has exceeded a lower limit.

[Advisory opinion 2021-15 \(LUMC\)](#)

The Netherlands Code of Conduct for Research Integrity 2018 applies to a statement that has been signed by various scientists and has been published as correspondence in a scientific journal. According to its nature and content it can be considered scientific practice and concerns scientific research in the broadest sense (art. 1.1 code of conduct).

[Advisory opinion 2021-14 \(Leiden University\)](#)

Scientist in the capacity of editor of a scientific journal. Code of conduct applies. Based on standards of scientific integrity, editors cannot be required to enter into a discussion with the author when an article is rejected. The scientist has not violated any standard of the code of conduct and is not to be blamed.

[Advisory opinion 2021-13 \(University of Amsterdam\)](#)

Accusation of data falsification. The report of the ad hoc committee and the provisional opinion based on it have not been drawn up with the required care. All things considered, LOWI comes to the conclusion that it is insufficiently equipped to conduct the necessary fact-finding. LOWI therefore advises the Board to reopen the investigation.

[Advisory opinion 2021-12 \(University of Amsterdam\)](#)

No plagiarism of ideas and no other reason why interested parties should have referred to the publication. No priority claim has been made and there is also no authoritative publication by the petitioner to which the interested parties should have referred from the point of view of scientific integrity.

[Decision 2021-11 \(Leiden University\)](#)

The discussion about whether or not to use the term Armenian genocide is mainly a political-social controversy. Research Integrity Committees and the LOWI are not intended to settle such discussions in terms of research integrity. The petition is manifestly unfounded.

[Advisory opinion 2021-10 \(University of Groningen\)](#)

Case concerning the representation of conflicts of interest in a publication. No possible conflicts of interest that should have been mentioned in the scientific article. LOWI considers that the RIC was allowed to refuse a further document from the Complainant that was submitted 5 minutes before the end of the hearing.

[Advisory opinion 2021-09 \(University of Amsterdam\)](#)

The complaint the Petitioners lodged with the RIC is not substantially different from the criticism they have already expressed in the scientific debate and which belongs there. The Petitioners use highly loaded terms such as data manufacturing and falsification, but in the opinion of the LOWI this is not the case.

[Advisory opinion 2021-08 \(University of Twente\)](#)

This case concerns policy research. There is a penetrating attempt by a direct interested party to influence the results of an investigation. The LOWI qualifies the lack of transparency about this in the reporting by interested parties as questionable behaviour.

[Advisory opinion 2021-07 \(Zuyd Hogeschool\)](#)

Publication in a legal journal. The scientists should have presented knowledge from another field more carefully, less one-sidedly and with more uncertainty. They should also not have diagnosed an individual. The rectification offered is inadequate. The LOWI advises to enter into consultation on appropriate recovery measures. One can think of withdrawing the article.

[Advisory opinion 2021-06 \(University of Utrecht\)](#)

Violation of scientific integrity. See 2021-07.

[Decision 2021-05 \(Delft University of Technology\)](#)

This case concerns an unfinished dissertation. The fact that different doctoral candidates are awarded a PhD on the same subjects, or that a supervisor supervises different dissertations on the same subject, does not lead to questions about research integrity.

[Advisory opinions 2021-03 and 04 \(Erasmus University Rotterdam\)](#)

Insufficient transparency about the funding of research. The organization that commissioned the research must be distinguished from the five companies that funded the research and that had an independent interest in that research. The LOWI considers that not mentioning these financiers is culpably careless.

[Advisory opinion 2021-02 \(LUMC\)](#)

No plagiarism. The Interested Party has published about the same scientific problem, but not about the same scientific idea. The principle of hearing and rebuttal requires that parties are given the opportunity to respond to an expert report.

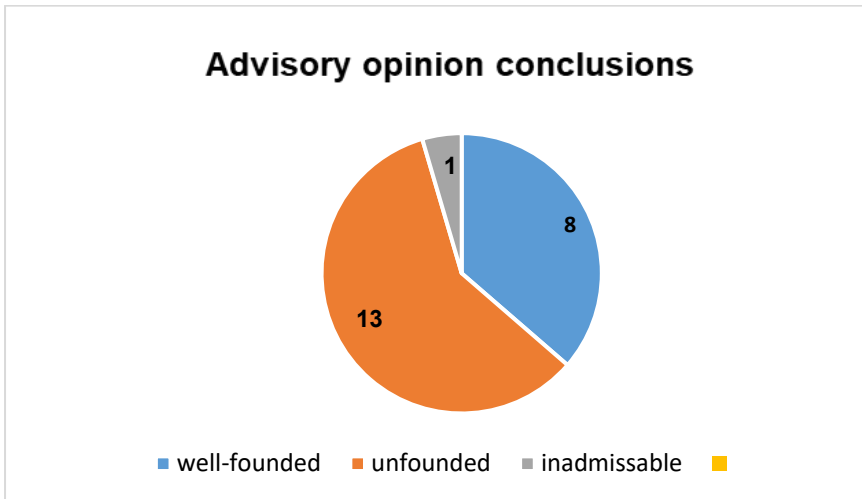
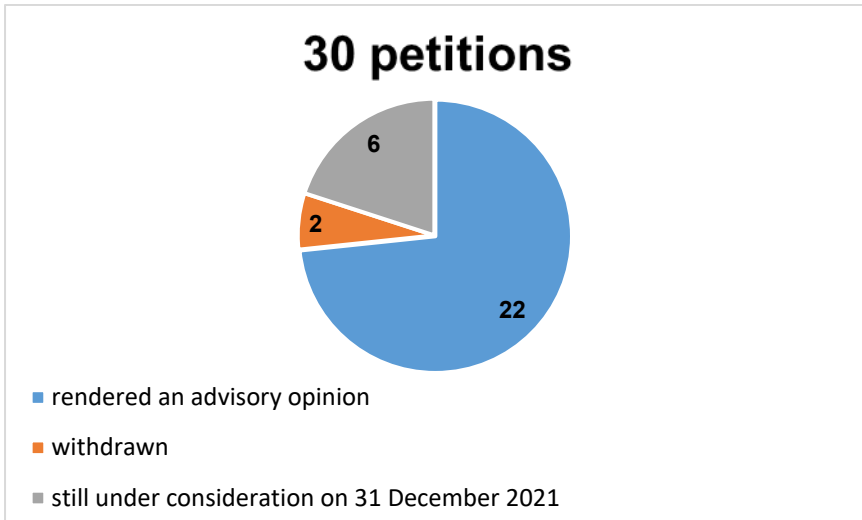
[Advisory opinion 2021-01 \(Maastricht University\)](#)

LOWI endorses an inadmissible declaration of a complaint. A scientist who accuses another scientist of violating a principle of research integrity can be expected to be able to clearly and concisely formulate which action he believes constitutes a violation and why.

[Complaints about the LOWI](#)

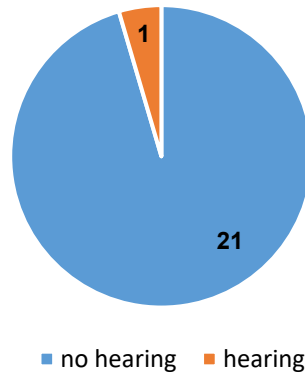
The LOWI received two complaints during 2021. Both complaints were largely about the content of LOWI advisory opinions issued previously (cases 2021-16 and 2021-03/04). Complaints about the content of an advisory opinion cannot be made to the LOWI. Given the importance of independence, it has been decided that complaints will no longer be handled by the LOWI advisory committee from 2022 onwards but instead by the board of the LOWI Foundation. Members of that board have no seat in the advisory committee (except the chair – this is a transitional arrangement).

6. Summary figures for the advisory opinions issued in 2021

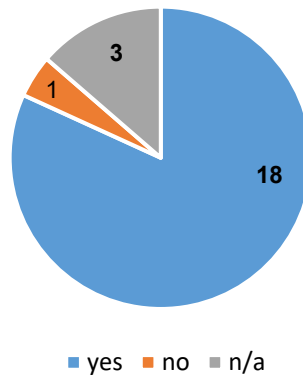


These figures need some clarification. Previously, the LOWI generally deemed a petition to be well-founded if a procedural shortcoming was found. See e.g. case 2020-07 where the complaints procedure had taken too long. However, the LOWI also observed that deeming cases to be well-founded in this way could give a distorted picture. After all, a petition being upheld on a procedural point does not mean that the underlying complaint is also upheld; this important nuance may be lost in some people’s perceptions. The LOWI is therefore now trying to formulate its advisory opinions somewhat differently (and using less legalese). If a procedural shortcoming has occurred that did not otherwise affect the substantive assessment of the complaint, this is stated as such in the advisory opinion but the petition is declared unfounded. See e.g. 2021-02 (the expert’s report should have been distributed) and 2021-05 (a clearly unfounded request, but the procedure did take too long). If a procedural point does result in the petition being deemed well-founded but the LOWI concludes that the underlying complaint should be declared unfounded, this is stated explicitly (cases 2021-16 and 2021-18). When interpreting the 2021 figures for well-founded and unfounded petitions and making comparisons with previous years, these nuances in the interpretation of those figures should be taken into account.

Hearing yes or no?

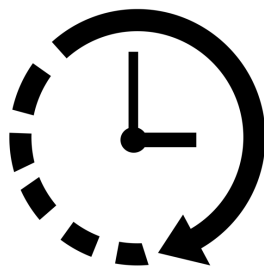


LOWI's Advisory opinion followed?



The 'not applicable' category refers to cases in which the LOWI did not issue an advisory opinion because the petition was deemed inadmissible (case 2021-19) or because it was manifestly unfounded and therefore not considered further (cases 2021-05 and 2021-11). The case in which the LOWI's advice was not followed was 2021-15.

Lead times



source: vecteezy.com

The average lead time for petitions for advice in 2021 was 21 weeks, with 6 weeks as the shortest interval and 37 weeks as the longest.

7. Finally

This reporting year shows that the average lead time is slightly reduced compared to 2020 (21 weeks, down from 23 weeks). Lead times remain an important issue. The LOWI hopes that an amendment to the LOWI regulations that came into effect during 2022 will also have a positive effect on lead times by shortening the interval for submitting a defence.

As in previous years, it can be seen that the LOWI proceeds to issue its advisory opinions in most cases on the basis of the documents, without a hearing. It is important to note, however, that there has almost always already been a hearing at the RIC and the minutes of that hearing are available in the LOWI file.

Compared to 2020, the LOWI declared more petitions to be well-founded in 2021 (8 as opposed to 7). If we take into account that several of the 7 well-founded cases in 2020 were declared well-founded purely for formal reasons and that the LOWI's advisory opinions were followed in almost all cases in 2021, we can say that the LOWI took a different position from the RIC and/or the institution's management slightly more often in 2021.