

## Annual Report 2023 – LOWI Advisory Committee



LOWI Report on the Year 2023

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Landelijk Orgaan Wetenschappelijke Integriteit (LOWI)  
P.O. Box 19121, 1000 GC Amsterdam  
T +31-(0)20-551 0719  
secretariaat@lowi.nl  
[www.lowi.nl](http://www.lowi.nl)

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The crow in borrowed feathers (colour etching), J.W.M. van der Meer, 2014

## Foreword

This report provides an overview of the LOWI's activities in 2023. In this foreword I discuss certain aspects of our procedure.

### *Hearings*

The LOWI's governing body, Stichting LOWI, commissioned Pro Facto to research the extent to which rulings and advisory opinions on matters of integrity that the LOWI issued to the boards of affiliated institutions in the years 2019 to 2022 reflected the core values identified and, specifically, how these rulings and advisory opinions were experienced by primary and secondary users. The research agency's report, [Het LOWI ervaren](#) (*Experiencing the LOWI*) was published in Dutch in May 2023.

Pro Facto's recommendations in its report included recommending that hearings should be scheduled more frequently and that greater account should be taken of one or both of the parties' wish for a hearing. Pro Facto substantiated this recommendation by referring to the principle of procedural justice. There is no general requirement from a procedural justice perspective to hold a hearing: the institutions' own Research Integrity Committees ('RICs') have usually already held a hearing and the parties have been heard orally. Other than in the – unusual – event of the parties' arguments being unclear, hearings are primarily useful for establishing and assessing the facts and for hearing and acknowledging the parties involved and the petitioners. Our annual planning now reserves half-day sessions for hearings and the parties are kept informed.

### *Categorising breaches of standards set in the Code of Conduct*

RICs and institutional boards have been shown to respond differently when complaints regarding breaches of a provision in the 2018 Netherlands Code of Conduct for Research Integrity ('the Code of Conduct') are considered to be well-founded. The LOWI provided greater clarification of the position in this respect in Advisory Opinion 2023-19. A complaint regarding action seen as breaching a principle or standard in the Code of Conduct can be submitted to an institution's RIC. If the RIC rules that a principle or standard has been breached, it then has to decide how to categorise the breach; in other words, whether the breach constitutes a minor shortcoming, questionable conduct or a breach of research integrity. If a researcher is ruled to have breached the Code of Conduct and the breach is categorised, this means the complaint is well-founded, even if the researcher is not considered to have breached research integrity. This is because the complainant has been found to have been correct in submitting a complaint. The LOWI noted in this advisory opinion that it was obviously possible, and indeed even highly desirable, to make it clear that declaring a complaint to be well-founded (on the grounds that a principle or standard has been breached) does not always constitute a breach of research integrity.

### *Substance of the complaint is leading – other parties may be involved*

In principle, the substance of a complaint determines the scope of the investigation into a possible breach of research integrity. In certain circumstances, however, it may be advisable for an institution itself to examine whether there are grounds for extending an investigation to include one or more other parties in order to avoid a subsequent series of research integrity procedures. It may also be useful to investigate whether complaints procedures relating to the same or a comparable issue are underway at other institutions. This may be the case if, for example, a complaint about a publication is limited to only one or more authors. The issue in Advisory Opinion 2023-05, for example, was whether to investigate the role of a professor listed as the final author or a co-author of various publications that an earlier

research integrity procedure had found should be withdrawn because of serious shortcomings.

#### *Working and publishing as a team*

The issue in Advisory Opinion 2023-13 concerned an impasse between various authors of a publication, one of whom had refused to give consent for publication. In this advisory opinion the LOWI commented in a more general sense on what researchers working in a team could do to resolve an actual or potential impasse among themselves without breaching research integrity standards.

#### *Where research integrity intersects with social safety in the workplace*

Advisory Opinion 2023-17 concerned a PhD supervisor who, without sufficient justification, had forbidden his PhD student from criticising him and his research and who had thus restricted the PhD student's academic freedom. Given the supervisor's position of power, the LOWI attached substantial blame to him. This advisory opinion shows that more attention needs to be paid to aspects of social safety, certainly in unequal relationships within academic institutions. It remains difficult, however, to determine where research integrity standards apply and where, by contrast, a complaint essentially relates to undesirable forms of behaviour in a collaborative relationship. In this case, the institution's board chose not to follow the LOWI's advisory opinion.

#### *Assessment of the Code of Conduct*

A committee led by Ineke Sluiter, former president of the Royal Netherlands Academy of Arts and Sciences, has been requested by the Minister of Education, Culture and Science to assess the 2018 Code of Conduct and specifically to establish the extent to which it continues to comply with the requirements that academia and society currently demand of such a code. The LOWI has shared its experience and views with the committee and looks forward to receiving the report, which is expected to be published in summer 2024.

Dr E.J. Daalder  
Chair

## 1. Composition of the LOWI in 2023

The LOWI comprised the following members in 2023:

Dr E.J. Daalder, chair	Administrative law	Dutch Council of State
Prof. H.E. Bröring, deputy chair	Administrative law	University of Groningen
Prof. L. Lechner ( <i>to 1-5-2023</i> )	Health psychology	Open University
Prof. J.G. van Erp	Regulatory governance	Utrecht University
Dr J. Tjeldink	Psychiatry	Amsterdam University Medical Centre
Prof. H.G. Brunner	Genetics	Radboud University Medical Centre
Dr P. Vuijk	Educational psychology	Rotterdam University of Applied Sciences
Prof. N.P. Landsman	Mathematical physics	Radboud University
Prof. Sonja Smets ( <i>from 1-5-2023</i> )	Logic and Epistemology	University of Amsterdam
Prof. Stijn Reijnders ( <i>from 15-10-2023</i> )	History and Culture	Erasmus University Rotterdam

More information on the LOWI members, can be found on our website.

## 2. Status

The LOWI is governed by Stichting LOWI, a foundation that also publishes an annual report. We refer to this foundation's [annual report](#) (in Dutch) for more information.

## 3. Tasks

The LOWI is an independent advisory body within the complaints procedure for investigating alleged research misconduct. It advises affiliated institutions that conduct scientific and other academic research. Rather than issuing advisory opinions at its own initiative, it issues them only on request. It assesses whether the institution's RIC conducted its complaints procedure with due care, whether research integrity standards were breached and, if so, how such breaches should be categorised. Based on the LOWI's advisory opinion, the relevant institution's board then issues a final ruling on whether a researcher breached the applicable standards.

## 4. Affiliated institutions

The following institutions were affiliated to the LOWI in 2023:

- the founders – the Royal Netherlands Academy of Arts and Sciences (KNAW), the Dutch Research Council (NWO) and Universities of the Netherlands (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)
- Princess Máxima Center for Pediatric 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
- Netherlands Organisation for Health Research and Development (ZonMw)
- Netherlands Institute for Transport Policy Analysis (KiM)
- Netherlands Cancer Institute (NKI)

## 5. Advisory opinions issued in 2023

### [Advisory Opinion 2023-20](#)

The complaint was found not to have been handled with due care because it had not been forwarded to the RIC. The LOWI advised that the RIC should have its own e-mail address rather than using [knaw@knaw.nl](mailto:knaw@knaw.nl). This separate e-mail address should be managed by the RIC's secretary and published on the website of the Royal Netherlands Academy of Arts and Sciences (KNAW).

### [Advisory Opinion 2023-19](#)

If a researcher breaches the Code of Conduct and this breach is assigned a categorisation, the complaint is regarded as being well-founded. This also applies in the event of a minor shortcoming, as in this case. It should, however, be emphasised that the fact that a complaint is well-founded does not mean that a breach of research integrity has occurred.

### [Advisory Opinion 2023-18](#)

The work of the petitioner was found to have been referenced with insufficient care on several occasions. The professor and the petitioner's former supervisor were considered to have a greater responsibility in this respect than the other researchers involved.

### [Advisory Opinion 2023-17](#)

Without sufficient justification, a supervisor had forbidden his PhD student from criticising him and his research and in this respect had restricted the PhD student's academic freedom. LOWI regarded this as counting seriously against the supervisor, given the latter's position of power and his failure to appreciate this aspect. This case was found to constitute a breach of research integrity.

### [Decision 2023-16](#)

A researcher's role as a party in court proceedings was not found to fall within the scope of 'scientific and scholarly research in the broadest sense', as referred to in the 2018 Code of Conduct. This also applies in the case of a professor.

### [Decision 2023-15](#)

See Decision 2023-14.

### [Decision 2023-14](#)

In this case, the fact that the publication did not mention alternative theories on the cause of the outbreak of SARS-CoV-2 was not considered to be a matter of research integrity because the publication concerned an aspect of the virus other than the cause of the outbreak.

#### [Advisory Opinion 2023-13](#)

This case involved a substantive conflict within a team, where the name of a co-author had been omitted. The LOWI commented in a more general sense on what researchers working in a team could do to resolve an actual or potential impasse among themselves without breaching research integrity standards.

#### [Advisory Opinion 2023-12](#)

In this case, the complaint was too quickly regarded as a scientific controversy rather than as polemics. While it is possible for research integrity to be breached in a scientific debate, the fact that researchers exchange views does not automatically mean that every word in their debate should be seen as constituting a scientific controversy.

#### [Advisory Opinion 2023-11](#)

This case concerned a researcher who insisted on being listed as a senior author and refused to accept a standard listing as a co-author. The final decision in this respect was up to the co-authors, who were considered to have acted correctly by referring to the researcher in the acknowledgements, while the author contributions also reflected the various authors' contributions to a sufficient degree.

#### [Advisory Opinion 2023-10](#)

This case involved plagiarism in PhD manuscripts. The LOWI questioned whether it was sufficiently clear that this was a moment for assessment rather than for learning lessons. The supervisor was indeed correct to assume that the manuscripts were the penultimate versions, in which not all references had yet been formatted correctly, but in which the text was otherwise complete. This case was found to constitute a breach of research integrity.

#### [Advisory Opinion 2023-09](#)

This complaint related to the withdrawal of a co-supervisorship, based on a wrongful accusation by the supervisor and PhD student of a breach of integrity. In essence, this case represented a conflict on a PhD track and should have been handled by the university's Doctorates Board rather than being seen as a matter of research integrity to be resolved by the RIC or LOWI.

#### [Advisory Opinion 2023-08](#)

In this case, a researcher refused to approve a manuscript and, by simultaneously refusing to withdraw as a co-author, unnecessarily hindered or delayed the work of other researchers (Standard 58, Code of Conduct). It was advised that the other co-authors should be given permission to publish the manuscript.

#### [Advisory Opinion 2023-07](#)

This case involved both a scientific and a societal debate. The fact that the petitioner had apparently not (or not yet) managed to gain access to the scientific forum did not mean that his substantive objections to the work of the researcher in respect of whom the complaint had been submitted should be dealt with in a research integrity procedure.

#### [Advisory Opinion 2023-06](#)

The fact that the PhD thesis mentioned 'Black Pete' only briefly was found to be beyond doubt, given that this character played only a limited role in the underlying research. No indications or arguments were found to suggest that the researcher in respect of whom the complaint had been submitted sought to disguise this role in the thesis.

#### [Advisory Opinion 2023-05](#)

In principle, an investigation into a possible breach of research integrity is based on a complaint, with a greater obligation to state reasons in the event of any divergence from this principle. The key question here was whether it was necessary to investigate the role of a professor listed as final author or a co-author of various publications that a previous research integrity procedure had concluded should be withdrawn for reasons of research misconduct. The LOWI advised the institution's board to assess all the interests stated in the advisory opinion when responding to this key question. The LOWI also stated that it could be advisable for an institution to take the initiative to establish whether to extend the integrity investigation to include one or more co-authors in order to avoid having to conduct a subsequent series of research integrity procedures.

#### [Decision 2023-04](#)

The petitioner in this case was clearly using the right of complaint for a matter for which it was not intended. The petition constituted solely a repetition of past action and added nothing new. The petitioner was found to be making excessive use of the complaints procedure and to an extent to which it could never have been intended to be used.

#### [Advisory Opinion 2023-03](#)

Researchers' participation in an external advisory committee is considered to be covered by the scope of 'research in the broadest sense'. In this case, however, the petitioner's complaint was considered not to be well-founded.

#### [Advisory Opinion 2023-02](#)

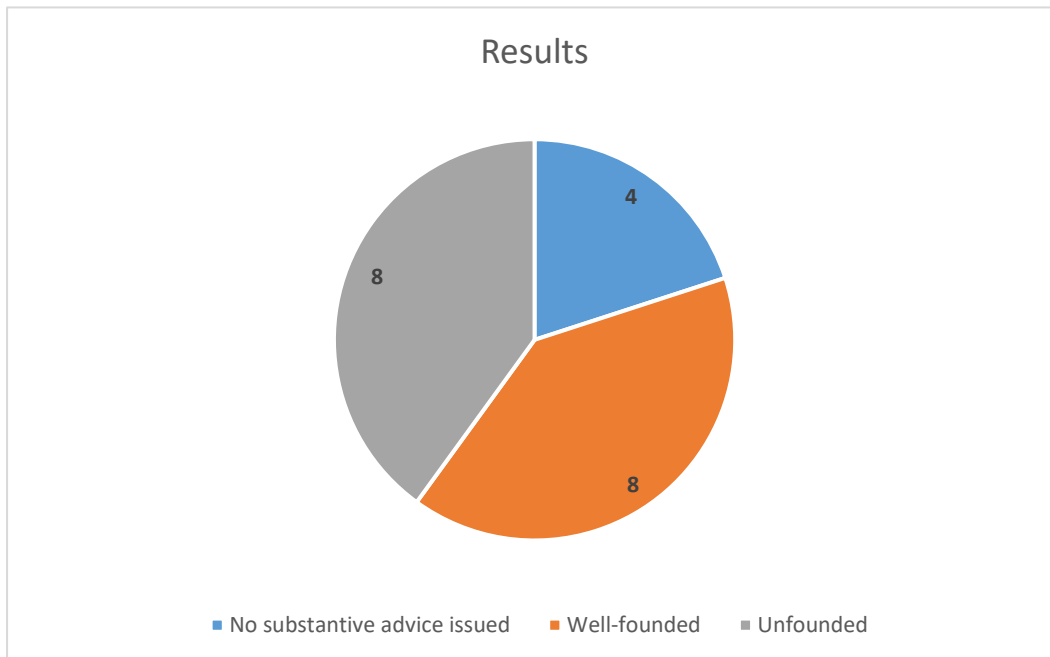
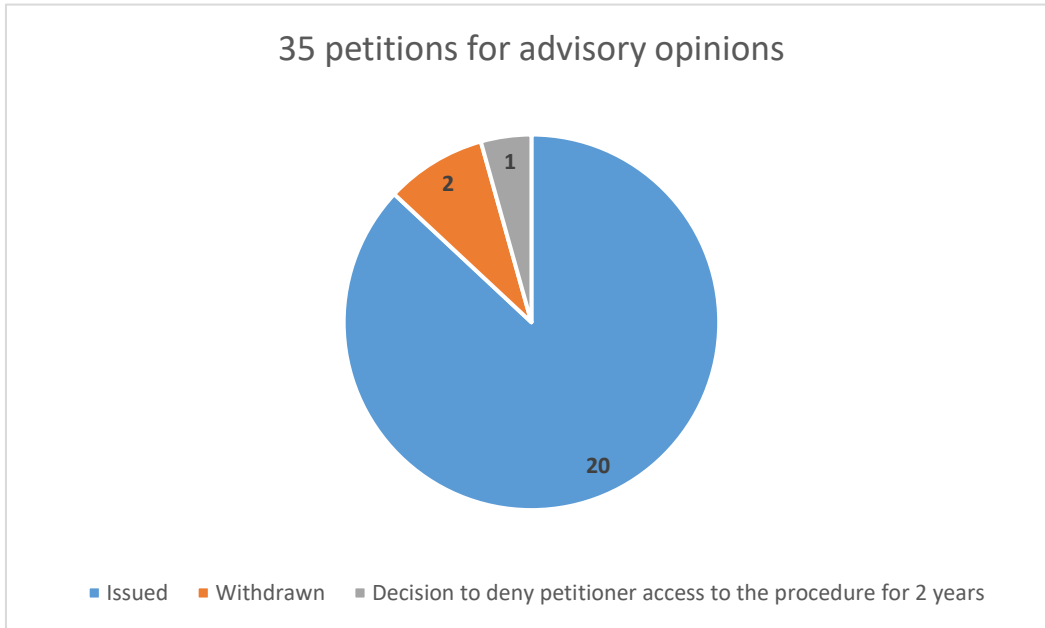
Research integrity requires a researcher facing conflicting principles always to consider which principles should be assigned priority. With regard to the specific meeting to which the researcher in question had contributed, the LOWI can appreciate why he attached greater priority to confidentiality than to transparency.

#### [Advisory Opinion 2023-01](#)

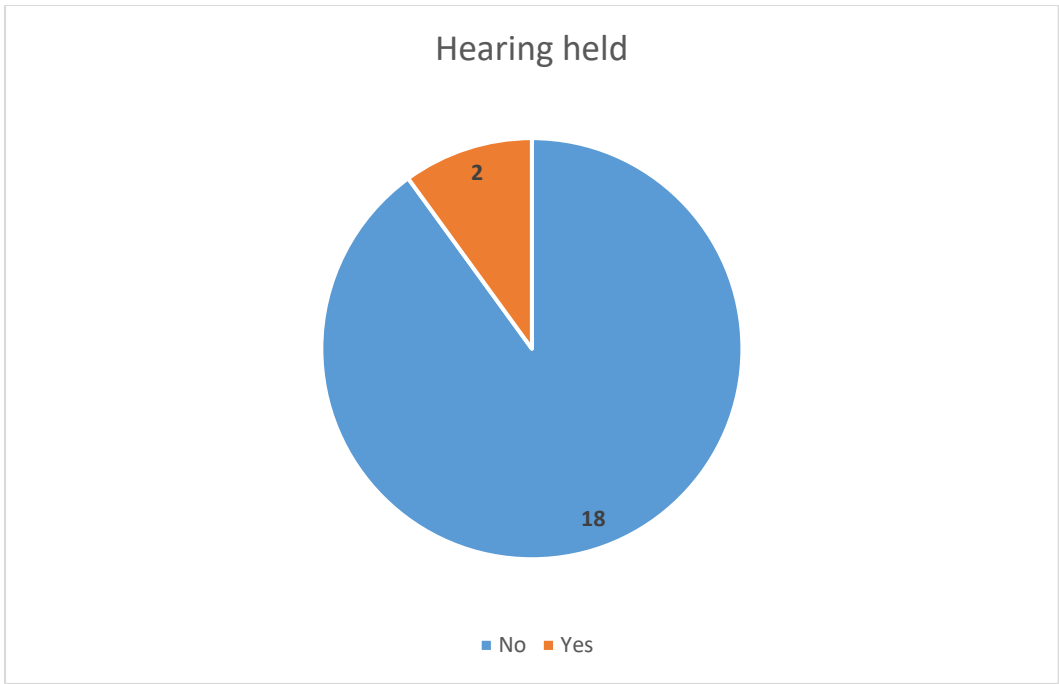
This case involved a complaint about a medical doctor following an academic journal's publication of a discussion document about the Corona policy applying at the time. The doctor was not employed in a research position, but was instead involved exclusively in patient care. As this was not made clear to readers of the article, it was decided to handle the complaint.



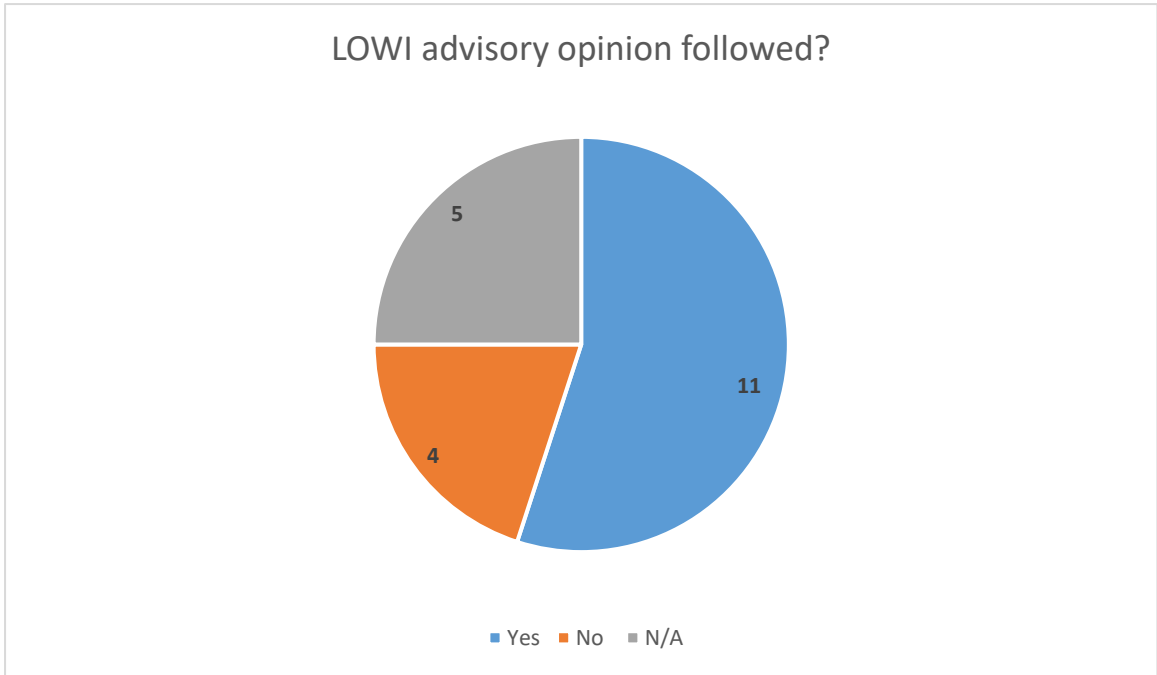
## 6. 2023 in figures



In 2023, 8 of the 16 petitions on which an advisory opinion was issued were considered to be well-founded. This represents an increase from 2022, when 3 of the 18 petitions accepted for an advisory opinion were regarded as well-founded.



Following the study commissioned by Stichting LOWI, the LOWI may decide to schedule hearings more frequently in future.



The category ‘N/A’ relates to cases [2023-16](#), [2023-15](#), [2023-14](#) and [2023-04](#), in which no advisory opinion was issued, and to advisory opinion [2023-19](#), in which the petitioner withdrew the original complaint after receiving the advisory opinion.

In 2023, the advice in four of the advisory opinions – [2023-03](#), [2023-05](#), [2023-17](#) and [2023-18](#) – was not followed. In the latter three cases, the advisory opinion issued by the LOWI reflected critically on the provisional ruling by the institution’s board and presented a substantively different view on the assessment of the complaints.

## Handling times



Source: vecteezy.com

The average time for handling petitions for advisory opinions in 2023 was 19 weeks, which was five weeks shorter than in 2022. The cases that took the longest time to complete (53 and 52 weeks, respectively) were [2023-17](#) and [2023-18](#), which were treated as combined cases. The reasons for this exceptionally long period included the complexity of the subject matter and the scheduling of hearings.

### 7. Perception study by Pro Facto

This annual report includes several references to the results of the perception study, *Het LOWI ervaren*, conducted by Pro Facto. This study found the general experience of obtaining advice from the LOWI to be positive. All in all, the researchers studying the advisory opinions concluded that the LOWI handles the types of cases for which it was established; in other words, cases involving questions of research integrity. They also concluded that differences in perception among primary users (i.e. the petitioning or petitioned parties) commonly reflected whether the parties agreed with the substantive contents of the advisory opinion. Other points of attention mentioned by the researchers in their conclusion included handling times, the requirement for submissions in writing and the low number of hearings. The LOWI has taken due note of the points raised. The report also states that the advisory opinions have become considerably easier to read and understand in recent years. The report [Het LOWI ervaren](#) can be downloaded from the LOWI website.