

## Summary of LOWI opinion 2017-09

Keywords: cooperation (agreements), reuse of data, data management

Relevant provisions: Elaboration 3.3, 5.3 of the Netherlands Code of Conduct for Academic Practice

### *Petition*

The Petitioner submitted a complaint about a study report authored by the Interested Party. According to the Petitioner, agreements were made with the client about the study's conclusions. The study is based on data drawn from two unpublished theses; that means that the study is unverifiable. There is also an allegation of plagiarism because the study report does not reference the theses and no source is cited. The conclusion of the study raises so many questions that the Petitioner believes that the data may have been fabricated and falsified. The Petitioner is also critical of the research methodology used.

### *Opinion of CWI & decision by the Board*

According to the CWI, it is customary to make agreements about scope, research questions, confidentiality and anonymisation when a study is being financed by a third party. There is no evidence of plagiarism; in addition, the report's co-authors were also the authors of the theses in question. Failure to provide open access to data does not in itself constitute a violation of the principles of research integrity. The data on which this study is based are highly confidential in nature and should not be made available to all and sundry. The CWI's complaints procedure is not intended for questioning the data collection methods used by researchers. That is an issue that should be raised within the relevant scientific forum. The CWI recommended that the Board should rule the complaint unfounded. The Board adopted the CWI's conclusions.

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

- The CWI did not address all the arguments put forward by the Petitioner in each original complaint item.
- The Petitioner questions the impartiality of the Interested Party and the objectivity of the report: the report does not mention that agreements were made about cooperation in the study, confidentiality, and careful wording.
- The report does not cite the unpublished theses and it is not clear how the analysis in the report relates to the analysis in these theses. That is contrary to the principles of reliability and verifiability and is also evidence of plagiarism.

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

- Given the structure and breadth of the arguments put forward in this case, rewording and summarisation of the complaint are permitted. What is important is to investigate whether there has in fact been a violation of the principles of research integrity. In the LOWI's opinion, the CWI exercised due care in its proceedings.
- When cooperating in a study, it is not contrary to the principles of research integrity for the parties to make agreements concerning confidentiality and privacy, publication of the research results, and the opportunity to correct any factual inaccuracies. It is up to the researcher involved to ensure that the agreements do not obstruct scientific study.

- The LOWI does not consider that a plausible case has been made that the agreements are contrary to the principles of research integrity. The agreements regarding the scope of the study, the research questions, the careful wording and a review of the draft report for factual inaccuracies were based on current policy governing cooperation with external parties. These are not agreements that undermine the integrity of the study or the Interested Party.
- The LOWI does not consider that any principles of reliability and verifiability were violated during the writing of the two (unpublished) theses and the subsequent study report. Neither is there any evidence of plagiarism, as the Petitioner claims. The report is based on the data in the theses.
- In the LOWI's opinion, it is not objectionable that these data were used to answer research questions beyond those posed in the theses. The reuse of existing data is in line with present-day data management principles. Researchers are in fact encouraged to use existing data in their studies (to some extent). In the LOWI's opinion, it is not uncommon or undesirable for a client to restrict theses to internal use only in the first instance. The data on which the theses were based would not have been made available if the study's participants had not been guaranteed anonymity. That does not mean that the theses and the study report are not verifiable in the manner prescribed by Elaboration 3.3 of the Netherlands Code of Conduct for Academic Practice. While it is true that the theses are not open access, that does not prevent other researchers from consulting and verifying the data (under certain conditions).
- The Petitioner's observation that the study is controversial does not automatically mean that it is also fraudulent, in the LOWI's opinion. The scientific forum is the appropriate place for such a discussion.

LOWI ruling and opinion:

The LOWI considers the petition unfounded and has recommended that the Board should adopt its preliminary ruling unamended as its final decision.

Final decision by the Board:

The Board has decided to adopt its preliminary decision as its final decision.