

Summary of LOWI opinion 2017-04

Keywords: LOWI's competence to investigate, new CWI opinion, popular science publication

Relevant provisions: Article 8.3 of the LOWI Regulations

Petition

The Petitioner submitted a complaint claiming that the Interested Party had violated the principles of research integrity in his books by failing to credit the Petitioner as author, by being culpably negligent in his research, and by treating peers inconsiderately. The Petitioner did not provide any specific grounds for this complaint but instead referred to three articles setting out his arguments.

Opinion of CWI & decision by the Board

With the Petitioner's consent, the CWI produced a categorised list of specific examples of possible violations of research integrity, based on these articles. The CWI's investigation did not show that the Interested Party incorrectly left out footnotes or failed to credit the sources he used. The CWI also found no evidence of culpable negligence in how the Interested Party interpreted the sources by choosing to maintain a certain point of view that affected the way certain facts were presented. Although the Petitioner and Interested Party had often discussed the subject in a forum, it was not shown that the Interested Party had clearly transgressed any written or unwritten rules in that respect. The Board decided to adopt the CWI's conclusions and to rule the complaint unfounded.

The Petitioner's most relevant objections are as follows:

- The decision is not based on a sound and scrupulous opinion. The CWI did not study the substance of the complaint in enough detail, and failed to examine the examples of the violation of research integrity cited in the Petitioner's articles. The CWI also failed to address his list of objections point by point.

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

- The CWI followed the rules set out in the institution's Complaints Procedure. The Petitioner himself neglected to provide specific evidence supporting his complaint. Based on the Complaints Procedure, this could have led to a refusal to consider the complaint.
- The Petitioner agreed to the list of specific examples and to the CWI's investigation being limited to that list. The CWI was under no obligation to examine each example separately in its investigation. The LOWI does not regard the handling of complaints by category as negligent or incomplete.
- The CWI opinion does not, however, state which examples had been taken as the basis for its investigation. The list in question was not included in the opinion, and the opinion itself does not indicate that specific examples were cited to substantiate the Petitioner's viewpoint. The CWI's opinion consists of the final conclusions and ruling, but provides no explanation of the considerations leading to those conclusions. Although the examples may well have played a role in the CWI's investigation, the grounds stated in its opinion do not provide evidence of this. These circumstances have led the LOWI to conclude that the CWI's opinion cannot uphold the Board's decision.

LOWI ruling and opinion:

The LOWI recommends that the Board – with due regard for the former’s considerations – should ask the CWI to issue another opinion in this matter, as in this case Article 8.3 of the LOWI Regulations prohibits the LOWI from carrying out an investigation itself.

Final decision by the Board:

The Board adhered to the LOWI’s opinion and on 12 May 2017 ruled the Petitioner’s complaints unfounded.