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1. The complaint

The complaint involves 16 separate alleged violations. In the complaint and statements of defence, reference is made to appendices, such as emails, reports of the coach, reports of the company doctor, licenses, contracts, papers, proposals, FJUT, and evaluations. In summary, the complaint involves:

- Violating intellectual ownership, or using ideas, results and text from proposals without citation.
- Not doing justice to or disregarding complainant’s contribution to e.g., projects.
- Not doing justice and denying complainant’s role as principal investigator (PI).
- Hindering complainant’s research.
- Changing the main research question.
- Making improper use of research funds.
- Not contributing to, not providing or violating an open and inclusive culture, ridiculing and discriminating.
- Not complying to agreements.
- Not respecting confidentiality.

The complainant is of the opinion that the defendant(s):

- Changed the research goal, took his leadership and responsibility away, and cancelled a PhD position that fundamentally contributes to the primary research goal.
- Violated his intellectual rights and ownership.
- Disregarded an open and inclusive culture in all phases of his research.
- In their actions hindered, delayed and stopped his research.
- Disregarded or permitted to disregard the code of conduct.

Altogether, the complainant asserts that the defendants have structurally hindered his research and violated his intellectual property rights. He also states that in his view, their actions resulted in a long-lasting illness of the complainant.

Relevant scientific integrity standards 28, 29, 30, 40, 56, 57, 58, 59 and 61.

2. Advice CWI

The CWI finds that to arrive at a coherent assessment of the complainant’s 16 complaints, these should be addressed by clustering the issues to which they relate:¹

- A. Complaints regarding the ‘ownership’ of ideas related to xxx.
- B. Complaints regarding changing the main research question.
- C. Complaints regarding the alleged violation of Intellectual Property Rights
- D. Complaints regarding the alleged hindering of research and ridiculing
- E. Complaints regarding treatment of the complainant and manners in the workplace

Each cluster (A-E) with relevant complaints were assessed. In all, the CWI concluded the following:

A: The exchange of viewpoints on relevant facts displays a serious break-down in relations between opposing parties, which, in the opinion of the CWI, merits the need for a focused and sustained intervention towards a permanent solution; considering the current and possible future impacts on the parties involved, but also on others, amongst which of PhD-students, and on project work within the department. The CWI is of the opinion that defendant 1, with support of the xxx-dean, could be more

¹ This clustering differs slightly from the clustering during the hearing, when complaints 1 and 6 were not explicitly addressed. They are now added to cluster A.

explicit on his position as head of department in relation to ongoing and new (externally financed) xxx research projects. Having said this, and in particularly in view of the serious nature of accusations about scientific integrity, the CWI finds that complaints 1 and 6, about violations of standards 28, and 56-58, and complaints nos. 2, 12 and 14, about violations of standards 29, 30 and 40, are insufficiently substantiated.

B: The assessment on the complaints in this cluster hangs in the balance of the significance of the change in research focus versus the importance of the complainant's absence when the final decision was taken. Clearly, making the change was important, as the projects progress, as in PhD projects, seemed dependent on reaching agreement. In that sense, the complainant's absence also seems problematic, as he was still 'PI'. On the other hand, despite again very conflicting viewpoints between opposite parties about events and interpretation of decisions, the CWI is convinced that the ultimate decision was not one that suddenly 'was pulled out of a hat', but had some history of prior discussions and utterances of PhD discontent, through which most views, if not all, were at least basically known, and the ultimately responsible person, defendant 1, considered that taking a decision was urgent and changes were not of a nature that the complainant would not be able to live with, even as PI. Again the CWI finds that communication was suboptimal, but that, in as much as the CWI can get an objective picture of the situation, conditions were ultimately of a nature where the litigious events cannot (let alone unequivocally) be qualified as constituting violations of the integrity standards 56 to 59 and 61. Not every suboptimality in realising the aforementioned standards makes for a breach of integrity. It would require clear and serious non-compliance, as with demonstrable intentional, systematic or careless disregard, of which the CWI is not convinced with respect to the complaints in this cluster.

C: The CWI is not convinced by the arguments provided by the complainant in support of both complaints. It would agree with the statement that both occasions (i.e., of agreeing to not be included as co-author and of not being referenced as a co-author) qualify as opportunities to foster recognition of the complainant. This observation, however, falls short of qualifying as infringement of principles of scientific integrity, given that the conditions pertaining to both occasions required what the CWI regards as a discretionary assessment on the part of defendant 1 in respectively considering the lead position of the original (including xxx/xxx) authors (of the article that he and the complainant reviewed), and the particular setting of the xxx (towards which he produced slides).

D: The CWI again finds that communication between opposite parties has been poor and wanting, but to conclude that this implies a failure on the side of defendant 1 to uphold the principles of scientific integrity is not supported by the evidence – let alone unequivocally, as should be the case given the seriousness of some of the accusations. As indicated in the above, the CWI finds that there seems to be reciprocal under- and oversensitivity about agreements that were made and subsequent related communication. While it could see this state of affairs calling for remedial action, the CWI finds that there is no cause for such action in terms of a failure in complying with standards of scientific integrity.

E: These considerations have led the CWI to conclude that there are insufficient grounds to validate the complaints on the basis of standards of scientific integrity. As has become clear in the discussion about other clusters of complaints, the standards involved in this cluster (no. 29, 56-59) have also been discussed elsewhere. Overall, the Committee is of the opinion that the conflicts around openness and inclusiveness, doing justice to all involved, and generally promote scientific integrity, have arisen from or were aggravated by cultural differences, high versus low sensitivities, unfortunate use or interpretation of words or statements (including the use of metaphors), together with distinctly different personal characters. Had this been recognised in an earlier stage, and properly acted upon, perhaps the conflict had not arisen or had not been perceived by the complainant as one about scientific integrity. It is unfortunate that this is how the matter ultimately turned out, but the CWI does not find that either the accused or the complainant acted against standards of scientific integrity in how they took position and communicated in the course of the conflict.

Conclusion and advice to the Executive Board:

The immediately above conclusion on cluster E complaints captures the main observation of the CWI. Dissatisfaction about decisions and mutual interpretation and implementation thereof, was perhaps caused but certainly aggravated by personal differences in character and cultural backgrounds, as well as by sometimes poor use or understanding of the non-native, English language. As time went by, unfortunately dissatisfaction was not resolved, despite engagement of the UT company doctor, the UT-Ombudsman and a personal coaching trajectory for the complainant. Ultimately, relations broke down

to a level of distrust, leading the complainant to conclude that this was due to the defendants' lack of upholding principles and standards of scientific integrity. In analysing the complaints, the CWI has found insufficient indications that a violation of scientific integrity did occur. Should the Executive Board of the UT agree, then the CWI strongly advises the Executive Board to make sure that an initiative is taken to commit the interested parties to resolving the issues underlying the complaints of this case. The CWI advises the Executive Board to declare the complaints, stating that the defendants would have violated the standards 28, 29, 30, 40, 56, 57, 58, 59 and 61, as unfounded.

3. Intended and final decision

The Executive Board took note of the advice of the CWI regarding the complaint. On 16 May 2022, the Executive Board made the intended decision to declare the complaint, stating that defendant 1 and defendant 2 would have violated the standards 28, 29, 30, 40, 56, 57, 58, 59 and 61 of the Code of Conduct, as unfounded. The Executive Board advised both parties to speak with each other, suggesting that the dean of the faculty could (from a hierarchical point of view) play a role in that. Both parties had the option of, within six weeks, requesting the LOWI for advice on the provisional decision of the Executive Board. The LOWI was not asked for advice. On 4 July 2022, the Executive Board made the final decision to declare the complaint, stating that defendant 1 and defendant 2 would have violated the standards 28, 29, 30, 40, 56, 57, 58, 59 and 61 of the Code of Conduct, as unfounded.

[The complete anonymous version of the complaint can be read on the website of UNL.]