

Casus Wetenschappelijke Integriteit

2023

Ten onrechte claimen van eerste auteurschap - deels gegrond

Vrije Universiteit

1 Auteurschappen

De kern van de klacht betreft een vermoeden van schending van de wetenschappelijke integriteit. Klager stelt dat beklagde ten onrechte het eerste auteurschap claimt.

2 Advies van de CWI (Engelstalig)

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1. Procedure

1.1 Receipt of the complaint

On 22 September 2021, the Executive Board of VU Amsterdam (hereinafter: the EB) received a complaint, dated 22 September 2021, from [...] (hereinafter: the complainant) addressed to [...] (hereinafter: the respondent). The complaint concerns an alleged violation of academic integrity.

In accordance with current procedures, the EB immediately referred the complaint to the VU-VUmc Academic Integrity Committee (hereinafter: 'the committee') for assessment of its admissibility and in order to examine relevant evidence where necessary. The committee received the complaint on 23 September 2021. A copy of the complaint is included with this advisory report as Appendix 1.

On 28 September 2021, the committee informed the complainant and the respondent of the receipt and admissibility of the complaint. In this notification, the committee stated that the 2016 VU-VUmc Academic Integrity Complaints Procedure (hereinafter: 'the Complaints Procedure') would apply to the remainder of the procedure. The complainant and the respondent each received a copy of the Complaints Procedure.

1.2 Written round in advance of hearings

The respondent was asked to provide a written response to the complaint made against him. On 21 October 2021, he provided this information, included with this advisory report as Appendices 2 to 6.

On 29 October 2021, the parties were invited separately to attend a hearing to be held on 15 November 2021. An English translation of the respondents response, included here as Appendix 7, was shared with the complainant at the same time this invitation was made. The respondent was asked to provide additional information showing the time at which the article [...] was initially submitted and who the first author mentioned on the article was. These files are included here as Appendices 8 and 9.

The hearing of the respondent took place on 15 November 2021 without any legal or other representation on behalf of the respondent. Due to a lack of appointment dates suitable to all concerned, the complainant's hearing only took place on 30 November 2021. The complainant was represented by his then lawyer [...]. On 8 December 2021, [...] informed the committee that he was no longer acting as the complainant's lawyer and representative in this procedure. He asked the committee to send any further correspondence in this context to the complainant directly.

On 17 January 2022, the committee invited the respondent to attend a second hearing, in connection with remaining uncertainties. In addition, the respondent was asked by the committee to share the [...] file he sent on 20 July 2020 when submitting the [...] chapter. This document is included here as Appendix 11. The second hearing with the respondent took place on 3 February 2022.

On 21 January 2022, the committee decided to invite the complainant's PhD supervisor to a hearing, given the necessity of asking additional questions in relation to the doctoral process. However, [...] was not available for this purpose, as a consequence of which a hearing with [...] took place instead on 18 February 2022. [...] is now the second supervisor of this doctoral process. .

1.3 Written round following hearings

Immediately after the hearing of the respondent on 15 November, the committee put two additional questions to him for the purpose of clarification. These concerned the title page requested by the committee from [...], included here as Appendix 10, and the request that all versions of the manuscript submitted on 28 June 2020 be provided. On 16 November, the committee also requested all submitted versions of the manuscript from the complainant. On 19 November, the respondent provided a response, while the complainant did so on 29 and 30 November. All of the versions received by the committee from either of the parties were shared with the other party: These versions are not included with this advisory report as appendices.

In the period between 15 November 2021 and 17 March 2022, the committee corresponded extensively with the complainant and the respondent separately, in order to check any factual inaccuracies in the hearing reports. On 17 March 2022, the committee received the agreement of both parties and [...] to the definitive drafts of the hearing reports, including appendices. The hearing reports in Dutch were then submitted for translation into English. On 11 April 2022, all hearing reports in English, including appendices, were shared between the parties. The hearing report of the complainant (Appendix 12) and that of [...] were shared with the respondent, while the two hearing reports of the respondent (Appendices 13 and 14) and that of [...] (Appendix 15) were shared with the complainant. The appendices to the hearing reports were provided for the information of those concerned. Both the complainant and the respondent were asked to provide their responses to the hearing reports no later than 25 April 2022. Consequently, the complainant requested to stretch the deadline to 9 May, which the committee permitted.

In addition, the committee corresponded extensively with [...], the editor of [...], in order to enable a fact-based reconstruction of the manuscript submission process. The answers he provided were submitted to the respondent for his response, following which the committee received a reply on 17 February 2022. The report of these written statements and responses is included here as Appendix 16. This report was submitted to the complainant for further response on 11 April 2022, at the same time he was provided with the aforementioned hearing reports. The respondent received this report for his information, since he was already familiar with the content thereof.

Responses were received from the respondent on 25 April 2022 and the complainant on 9 May 2022. Then, on 18 May 2022, the committee communicated to the parties that the written round was closed.

1.5 Draft advisory report

On 23 May 2022, the committee submitted the draft advisory report to the complainant and the respondent for correction of potential factual inaccuracies. Responses were received from the respondent and complainant on 6 June 2022 and 13 June 2022 respectively.

In response to the respondent's comments, the advisory report was amended in a limited number of places, without affecting the content of the advice. In the comments of the complainant, the committee saw reason to consult on June 16, 2022 with [...], a [...]employee who runs the helpdesk for [...], the submission system of [...]. As a result of this conversation, part 2D of the advisory report has been adjusted, of which both parties were informed on 27 June 2022. The complainant's other comments did not constitute grounds for amending the report.

2. The handling of the parts of the complaint

The parts of the complaint as referred to in the complaint from number 33 on, are repeated verbatim below as much as possible, under the heading 'part (number) of the complaint'/'parts (numbers) of the complaint'. Thereafter, under the heading 'considerations', the committee makes an assessment, whereafter, under the heading 'conclusion', a determination is made as to whether or not the complaint part is (either fully or partially) well-founded. Reference is made per complaint part to the numbering and relevant appendices in the complaint.

The respondent has submitted a response in respect of all parts. This response is not mentioned in separate headings, but is incorporated in the committee's considerations where necessary.

2A: Parts 34, 35 and 36 of the complaint

At the urgent request of the respondent, the complainant has had to include in the draft article a number of references to previous publications of the respondent. These references were criticized by reviewers. This criticism could and should have been avoided. Thanks to the respondent, this did not happen, as a result of which the complainant's reputation was damaged. The conduct of the respondent is contrary to the standard set out in point 43 of the 2018 Netherlands Code of Conduct for Research Integrity 2018 (NGWI): "Avoid unnecessary references and do not make the bibliography unnecessarily long."

2A: Considerations

The committee is unable to infer from the written and oral submissions that the references mentioned by the complainant were included at the insistence of the respondent.

2A: Conclusion

This part of the complaint is unfounded.

2B: Part 37 of the complaint

The respondent did not ask for or receive the permission of the complainant before submitting the complainant's draft article for publication, though the draft article was his work entirely. In failing to do so,

the respondent infringed the complainant's copyright. This is all the more damaging to the complainant seeing as the article was not yet ready for publication and he had stated this explicitly to the respondent when he sent him her draft (Appendix 7, complaint). The conduct of the respondent is contrary to the standard set out in point 32 of the NGWI: "All authors must have approved the final version of the research product."

2B: Considerations

The email exchange and documents submitted by the respondent and the complainant show that, since the beginning of 2019, they collaborated on an article for the journal [...] and a chapter for a book to be brought out by the publisher [...]. Both were based on the fieldwork that the complainant had done at [...]. In January 2020, the complainant submitted a version to [...]. This document was included with this complaint as appendix 3 and submitted by the respondent as CIII, dated 15 January 2020. The theoretical paragraph in this version of the draft article was written by the respondent. He also exerted influence on many other parts. That is the case even more so in version CIV as submitted by the respondent. The basis for this version was sent by the complainant to the respondent on 8 May 2020 and also provided by him to the committee as [...]. It appears from version CIV that the respondent added very many comments to the parts written by the complainant, proposing very many changes, while also making changes to the theoretical paragraph he had previously written. It is evident from his comments that he is not satisfied with the manner in which his previous comments have been incorporated.

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In the email of 8 May 2020, in which he sends the version [...] to the respondent, the complainant states: "If the way these changes are presented is good to you, I want to add a little empirical paragraph to the deviance finding and cross analyse it with the literature." It can only be concluded from this comment that the complainant wished to add a further paragraph, but not that such an addition was necessary in order to submit the article to [...]. This may have been one of the issues which would as yet need to be discussed between the complainant and the respondent.

A Skype meeting takes place on 27 May 2020. According to the respondent, the proposed changes are briefly discussed and agreed to during this call. In addition, according to the respondent, it is agreed that the complainant will further focus his efforts on the [...] chapter and that the respondent will take the lead on the completion and submission of the article intended for [...]. The respondent also claims that 1 July 2020 was agreed as the final date of submission for both publications.

Seeing as the complainant has not contradicted these comments on the part of the respondent, the committee assumes them to be correct. The committee finds further support for this in an email of 24 May 2020 provided by the respondent, in which the complainant informs the respondent that he wishes to propose to [...] that he will submit a book chapter towards the end of June 2020.

Following this call, the respondent sent the complainant version CIV on 10 June 2020. It is not clear from the documents that the parties held any further discussions about this. It is however evident from an email of 24 June from the complainant to the respondent that the respondent had been making enquiries of the complainant. He tells him that [...] (26 June 2020, CWI).

Subsequently, the respondent submits version CIV to [...] on 28 June 2020, having accepted the tracked changes. The respondent has provided this submitted draft to the committee as version CV.

At the hearing, the complainant stated that he collaborated with the respondent on the article for [...] against his will (hearing report of complainant, no. 12). The committee cannot find any support for this claim in the documents provided by the parties. Moreover, the claim is contradicted by an email of 14

February 2019 in which the complainant informs the respondent that he wishes to make an appointment with him regarding “our possible and promising [...] collaboration.”

At the hearing, the complainant also claimed that the respondent added the theory paragraph to the article against his wishes, and that he was of the opinion that the theory did not align with his analysis (hearing report of complainant, numbers 18 and 20).

The committee cannot find any support in the documents for this claim either. In support of the claim, the complainant asserted at the hearing that the reviewers were also of the opinion that the theory did not match with the findings and interpretations (hearing report of complainant, number 20). In the opinion of the committee, the complainant cannot successfully advance the fact that one of the reviewers questioned the connection between the theory and the results of the fieldwork in order to demonstrate that he was against the inclusion of the theory paragraph. Moreover, the complainant’s claims do not correspond with his position that the entire draft article was his own work.

2B: Conclusion

The committee concludes that the draft article submitted to [...] was not written by the complainant alone, but that the respondent also made a substantial contribution to it. Authorship was thus shared.

The committee also concludes that it cannot be inferred from the documents that the complainant was of the opinion that the article was not yet ready for publication. In the committee’s view, the complainant was not against submission, but did object to the order in which, according to him, the authors’ names were stated.

This part of the complaint is unfounded.

2C: Part 38 of the complaint

The complainant also did not grant his permission for the submission of the same draft article for the [...] book. In addition, the submission of the same draft article twice constitutes an additional risk of rejection, an additional infringement of the complainant’s copyright and an additional risk of reputational damage in the research field, because the draft was not yet ready for publication and the complainant’s name, though incorrectly stated as being that of the second author, was connected with the article. Reference to point 33 of NGWI is made in relation hereto: “All authors are fully responsible for the content of the research product, unless otherwise stated.” As a result of the actions of the respondent, the complainant is therefore held responsible for an incomplete submission, though he has clearly not agreed to this, and neither would he do so (appendix 10, complaint).

2C: Considerations

The committee infers the following from email exchange documentation submitted by the parties. The complainant and the respondent had undertaken to provide [...] with a chapter for a book being brought out by that publisher. Work on this chapter progressed slowly.

On 3 July 2020, the complainant communicated that he would inform the contact person at [...] that this person should no longer expect to receive the book chapter (appendix 9, complaint). The respondent responds on 6 July 2020 with a proposal to hold a Skype call. This takes place on 8 July 2020. It appears from an email the respondent sends to the complainant the same day, in which he asks him to continue

the discussion, that this discussion is making slow progress. On 10 July 2020, the complainant responds, stating that he claimed exclusive primary authorship during the Skype call.

On 11 July 2020, the complainant informs the contact person at [...] that this person should no longer expect to receive the book chapter (appendix B-VIII, response of the respondent). The respondent is copied on the email. On 13 July 2020, the respondent sends the complainant an email in which he proposes finding ways in which to avoid misunderstandings at a later stage (appendix 9, complaint). Where the issue of first authorship is concerned, he states: "For one thing the order can be changed easily, this is not a fixed thing." Another possibility, according to the respondent, would be to withdraw the article submitted to [...] and to use it as a chapter for the [...] book. "With you as the lead author, of course," the respondent notes. According to the respondent, this could lead to a win-win situation, because they have a greater obligation towards the [...] contact person than towards [...].

On 16 July 2020, the respondent asks the complainant to respond to his email of 13 July (appendix 9, complaint). On 20 July, the complainant sends the respondent an email in which he repeats his positions as previously formulated in his email of 10 June, but does not address the proposal of the respondent (appendix 9, complaint). On 20 July, the respondent responds, repeating his proposal and stating: "I also believe that I should have a say in the outlet of this paper, especially because my input and contribution has been rather significant." On the same day, the respondent sends the manuscript submitted to [...] to the [...] contact person as an email attachment.

Also on the same day, the complainant responds to this by informing the contact person that he has not granted his permission for the submission of the manuscript. He states: "This is not the one I was about to send to you. I am asking you kindly to not consider it for publication" (appendix 10, complaint). According to the respondent, this also subsequently happened.

The committee considers the content of the email of 11 July 2020 sent by the complainant to the contact person at [...] as a withdrawal of the commitment made towards [...] to write a book chapter. The complainant could not make such a withdrawal without the approval of the respondent. However, this did not give the respondent the right to present the manuscript submitted to [...] to [...] as a book chapter. For that, he would have required the approval of the complainant, regardless of whether he viewed the submission to [...] as a solution to the problem of the unfulfilled commitment, a commitment for which both the complainant and the respondent were responsible.

The committee concludes that the manuscript was submitted twice. In his response, the respondent argued that this is not in fact the case because, in his email of 13 July 2020, he had proposed submitting the manuscript to [...] and withdrawing the submission to [...]. The committee considers this argument plausible. That the withdrawal from [...] did not take place may be ascribed to the fact that the submission to [...] was not followed up due to later developments.

The committee therefore does not agree with the complainant's assertion that the submission of the same draft article twice resulted in an additional risk of rejection. The committee also fails to subscribe to the assertion that an additional infringement of the complainant's copyright occurred. Under 2B: Conclusion, the committee concluded that the complainant and the respondent shared the authorship. Under 2B: Conclusion, the committee also determined that the complainant was not against the submission of the manuscript to [...]. It cannot therefore be claimed that an additional risk of reputational damage in the research field exists.

2C: Conclusion

The conclusion is that this part of the complaint is well-founded where the lack of the complainant's approval in respect of the submission of the manuscript to [...] is concerned. The committee considers the conduct of the respondent in this regard to be in breach of NGWI standard 32: "All authors must have approved the final version of the research product."

For the remainder, this part of the complaint is unfounded.

2D: Part 39 of the complaint

Not only has the respondent submitted the complainant's draft article for publication twice, but he has also twice claimed, and wrongly so, that he made a substantive contribution to the content of the article. The first time, when the submission to [...] was made, he actively changed the authorial order and made himself the first and corresponding author. To date, he has demonstrably failed to correct this, as is evident from the screenshot from [...] of 18 June 2021 (appendix 22, complaint). The conduct of the respondent is contrary to NGWI point 30: "Ensure a fair allocation and ordering of authorship, in line with the standards applicable within the discipline(s) concerned."

2D: Considerations

The respondent has denied that he put himself forward as first author on submission of the manuscript to [...].

Of importance here is the email exchange referred to in part 38 of the complaint above, which took place following the discussion of 8 July 2020. From this it appears that, during this discussion, the complainant claimed for the first time that the respondent had wrongly put himself forward as first author on submission of the manuscript to [...]. In the email addressed to the complainant of 8 July, sent immediately after the discussion was broken off, the respondent tries to convince the complainant to continue the discussion with him. He states: "In any case I believe we can easily sort this out and can also always change the order of submissions etc." In an email of 13 July, he states: "For one thing the order can be changed easily, this is not a fixed thing."

The complainant must have based his point of view with regard to authorship at that moment on two emails from [...] of 28 June 2020 (appendix 8, complaint), because there are no other documents available on which this point of view might be based. The first email is addressed to both the complainant and the respondent, but contains the salutation: "[...]" It concerns a confirmation that the respondent has submitted the manuscript successfully. It also states: "You have listed the following individuals as authors of this manuscript: [...]; [...]." In addition, the complainant simultaneously receives a second email from [...], stating that the respondent has submitted the manuscript and also that: "You are listed as a co-author of this manuscript." The complainant alleges that he contacted the respondent in response to these emails, but according to the committee, this is not evident from the documents: as stated above, the first time that the issue is brought up by him is during the discussion of 8 July.

Based on the first emails referred to above, in the opinion of the committee, the impression may have been created that the respondent was presented in the manuscript as the first author, because his name was referred to above that of the complainant. Immediately after the discussion, the respondent attempted to change the complainant's mind via email, stating while doing so that the order could be changed at any time. This, too, could have given the complainant the impression that the respondent had presented himself as the first author. In clarification of these passages, the respondent has stated in his emails that,

at that time, he indeed could not imagine that anything had gone wrong during the submission of the article. He had merely wished to indicate that, if such was indeed the case, it could easily be rectified.

The committee has established that the respondent inserted a passage in the submitted manuscript (version CV, person complained against). In version CIV, the following had been stated: [...] In version CV, this was changed to: [...]

The respondent has stated that he wanted to give a more specific description of “one of the authors”. He sees it as an obvious mistake, which has contributed to the confusion which has arisen concerning the authorship. According to the committee, this is partially due to the text’s being inherently contradictory: the complainant is referred to as main researcher and second author. The modification has contributed to the complainant’s feeling that he had been passed over as first author, which feeling first developed after he received the emails from [...] of 28 June 2020 referred to above. Viewed from that perspective, the change of the respondent may be described as careless.

The [...] editorial board has provided the committee with a title page pertaining to the manuscript originally submitted. The name of the respondent is at the top of that page. This page was unknown to the complainant until the committee gave it to him. His complaint regarding the authorship was therefore not based on this page. Nor was the respondent familiar with the title page until the committee presented it to him. He cannot remember having submitted a separate title page, because the submission of manuscripts must be done without mention of any authors, in connection with the peer review procedure. However, he does not exclude the possibility that, in the submission process, it may somewhere have been possible to submit a separate title page and that he then entered his own name first by mistake. He may also have used an existing template from previous publications.

The committee assumes that the title page was submitted by the respondent. It appears from the PhD proposal that, at the time of submission, the respondent was still an intended co-supervisor. Therefore, the fact that the name of the respondent was stated at the top of the page may be regarded as carelessness. However, the conclusion cannot be drawn from this that the respondent had put himself forward as first author in [...] at the time of submission.

In order to be sure about what actually happened, having studied the various documents relating to the submission, the committee has initially obtained information from [...] contact person [...]. In response to the complainant’s comment on the draft version of the report, the Committee consulted with [...] of [...], the manager of [...]. After consulting the log data of the article in question, [...] stated that the respondent mentioned the complainant as the first author when submitting the article. [...] further stated that the respondent was unable to change this listing, as it would have required the cooperation of [...] publishing team.

2D: Conclusion

Though the respondent acted carelessly on two occasions, this part of the complaint is unfounded.

2E: Parts 40 to 44 of the complaint

On making the submission for the [...] book, the respondent wrote the following in an email to the editors: “This chapter has a substantial contribution from me, as you will probably notice. I hope (and expect) that it fits the volume and that you consider it for publication.” There is no such “substantial contribution”. At that time (20 July 2020), the draft article had been written exclusively by the complainant, based on interviews,

data and analysis on the part of the complainant. Up to then, the complainant had not received any substantial feedback whatsoever from the respondent.

Prior to the submission of the manuscript, without consulting with or receiving the permission of the complainant, the respondent made the following changes:

- The changing of the word 'researcher' to 'researchers': "In quotes (translated by the researchers) the respondents are referred to with a pseudonym and/or with the building code (A, B, C) combined with the interview number (i.e. #A3)" (page 3); and
- The changing of 'I noticed' to 'we noticed': "During observations on the office floors in evenings after 18.00h p.m. we noticed that the workplaces were overall left behind rather neatly" (page 22).

The foregoing means that the respondent wrongly presented himself as having been involved in various parts of the research. In reality, only the complainant worked on the structure of the research, the methodology, the recording [...] of interviews and the translation of these [...], the collection and analysis of the data and the drawing of conclusions. He incorporated all of this in the aforementioned publications. Only later did the respondent enter the picture and become involved in his research as a supervisor.

Given that the respondent had not made any substantial intellectual contribution on either of the occasions on which the draft article was submitted to the structure of the research, the collection and analysis of the data or the interpretation of the findings, the aforementioned conduct of the respondent is contrary to the recommendations of the International Committee of Medical Journal Editors (ICMJE) for research publications and to NGWI point 31: "All authors must have made a genuine intellectual contribution to at least one of the following elements: the design of the research, the acquisition of data, its analysis or the interpretation of findings."

In addition, the conduct of the respondent is contrary to NGWI point 40: "When making use of other people's ideas, procedures, results and text, you must do justice to the research involved of others and cite the source accurately." The failure of the respondent to observe these current standards has been repeatedly confirmed in emails from the head of department, [...], and the dean, [...] (appendices 11 and 23, complaint).

2E: Considerations

Above under 2B: Conclusion, the committee has found that the respondent had made a substantial contribution to the manuscript submitted to [...]. The assertion that the manuscript had been written entirely by the complainant and that the complainant had not received any substantial feedback before 20 July 2020 is incorrect.

The respondent has stated that the changing of the word "researcher" to "researchers" and "I" to "we" was an editorial intervention to make clear that both authors are responsible for the entire manuscript. This had nothing to do with the allocation of roles between them in the various parts of the research. The committee considers this a plausible explanation.

2E: Conclusion

These parts of the complaint are unfounded.

2F: Parts 45 and 46 of the complaint

The complainant experienced as especially intimidating the continual requests of the respondent for his versions of the draft article, firstly as a means of pressure in respect of the complainant's admission as a PhD candidate (see appendix 4: "I also need to convince [...], you know..."), without providing any response with regard to the substance of earlier versions and without meeting his commitment to have the authorship corrected. The respondent also refused to complete the complainant's registration in the Hora Finita system correctly, while the complainant had long since started working, including for the respondent. Subsequently, the respondent withdrew as a co-supervisor, thereby impeding the complainant's progress in his research and doctoral process.

As has already been described extensively in the foregoing, the conduct of the respondent is contrary to NGWI point 57: "As a supervisor (...) or manager, refrain from any action which might encourage a researcher to disregard any of the standards in this chapter ." The respondent has induced the complainant to accept that the requirements of NGWI points 29-33 and 43 were not met. NGWI point 58 was also infringed by the respondent: "Do not delay or hinder the work of other researchers in an inappropriate manner." By failing to provide substantial input to the complainant's work, failing to actually correct (or have a third party correct) the first authorship, obstructing the Hora Finita registration process and withdrawing as a co-supervisor, the respondent has unduly delayed and impeded the complainant's work.

2F: Considerations

The committee infers from the documents that the respondent requested documents from the complainant at various times. However, this happened within the context of their collaboration, as had already been agreed at an early stage. That the respondent requested a document which could be shown to professor [...] is logical in the committee's view, because [...] would have to be able to form an opinion as to whether a doctoral process should begin or not. It is not clear, for that matter, from the email exchange submitted that the complainant experienced these actions on the part of the respondent as intimidating.

It has become clear to the committee from the PhD proposal provided, included here as Appendix 17, and also from Hora Finita, that the respondent was the intended co-supervisor at the start of the doctoral process. It is equally clear that the article to be written for [...] was to be part of the doctoral process. In the committee's opinion, the respondent committed himself to the completion of this article. The relationship between the complainant and the respondent cooled at the beginning of July 2020, after disagreement arose, amongst other things, over the question of whether the respondent had put himself forward to [...] as first author of the article. Events then took place which led to the decision of the respondent not to confirm his entry as co-supervisor in Hora Finita. It appears from the documents that this did not stop the respondent from encouraging the complainant to continue their collaboration on the article.

The committee concludes that the complainant cannot have experienced any impediment from the fact that the respondent did not formalize a position as co-supervisor after July 2020. The committee also concludes from the foregoing that the respondent did not breach any of the NGWI standards referred to.

2F: Conclusion

These parts of the complaint are unfounded.

3. General conclusion

The complaint is unfounded, with the exception of part 38 of the complaint where this concerns the complainant's lack of approval for the submission of the manuscript to [...]. In the committee's opinion, the conduct of the respondent is in breach of NGWI standard 32: "All authors must have approved the final version of the research product."

Standard 32 is not mentioned in NGWI section 5.2, A, under 1 or 2. This means that the qualification 'violation of academic integrity' only applies by way of exception. In the committee's view, in the light of the weighting criteria referred to in NGWI section 5.2, under C, such is not the case here. The committee views the conduct of the respondent as a careless attempt to meet the commitment made to [...] by the complainant and the respondent. Moreover, the submission was inconsequential and the respondent gained no advantage. The committee therefore considers the conduct of the respondent as a minor shortcoming.

Though part 39 of the complaint is unfounded, the committee has established that the respondent acted carelessly on two occasions (when stating 'main researcher, second author' and in entering the order of the names on the manuscript title page). However, he did not breach any of the standards referred to in the NGWI in doing so, because the respondent had not put himself forward as first author in Manuscript Central at the time of submission.

3 Aanvankelijk oordeel van het College van Bestuur

Besluit 5 juli 2022:

Het College van Bestuur besluit om het advies van de Commissie Wetenschappelijke Integriteit VU-VUmc (CWI) van 27 juni 2022 in de beoordeling van de klacht van [...] tegen [...] van 22 september 2021 in zijn geheel over te nemen. Dit betekent dat het College van Bestuur:

- besluit de klacht ongegrond te verklaren, met uitzondering van klachtonderdeel 38 voor zover dit het ontbreken van klagers instemming bij het indienen van het manuscript bij [...] betreft. Deze handelwijze van beklagde is in strijd met norm 32 Nederlandse Gedragscode Wetenschappelijke Integriteit 2018 (NGWI) en wordt in lijn met de wegingscriteria uit Hoofdstuk 5 NGWI gekwalificeerd als een lichte tekortkoming.
- aan de decaan, [...], de opdracht geeft om binnen twee maanden nadat dit besluit definitief geworden is met beklagde te bespreken op welke wijze de door de CWI geconstateerde lichte tekortkoming (klachtonderdeel 38) en onzorgvuldigheden (klachtonderdeel 39) in de toekomst zullen worden vermeden. De hierover te maken afspraken zullen worden opgenomen in het personeelsdossier van beklagde.

Toelichting op besluit:

- + De klacht is ongegrond met uitzondering van klachtonderdeel nr. 38 voor zover dit gaat het om het ontbreken van klagers instemming bij het indienen van het manuscript bij [...]. De handelwijze van beklagde is naar de mening van de CWI in strijd met norm 32 NGWI: "Alle auteurs moeten de definitieve versie van het wetenschappelijke product hebben goedgekeurd."
- + Norm 32 wordt niet genoemd in paragraaf 5.2A onder 1 of onder 2 NGWI. Dit betekent dat bij schendingen van deze norm slechts bij uitzondering sprake zal zijn van de kwalificatie 'schending van de wetenschappelijke integriteit.' Naar mening van de CWI is deze kwalificatie in het licht van de in paragraaf 5.2C NGWI genoemde wegingscriteria niet aan de orde. De CWI ziet de handelwijze van beklagde als een slordige poging om de door klager en beklagde aan [...] gedane toezegging gestand te kunnen doen. Verder geldt dat er geen gevolgen aan de indiening verbonden zijn geweest en dat beklagde geen voordeel heeft genoten. De CWI kwalificeert de handelwijze van beklagde daarom als een lichte tekortkoming.

+ Daarnaast constateert de CWI dat hoewel klachtonderdeel 39 ongegrond is, beklagde bij twee gelegenheden onzorgvuldig heeft gehandeld, te weten bij de vermelding 'main researcher, second author' en de naamvolgorde op het titelblad van het [...] manuscript. Beklaagde heeft hierbij echter geen in de NGWI genoemde norm geschonden, namelijk omdat uit deze vermeldingen niet de conclusie kan worden getrokken dat hij zichzelf bij de indiening als eerste auteur [...] had vermeld.

4 Kern van het LOWI advies

De CWI en het LOWI zijn het erover eens dat t.a.v. de indiening bij [...] sprake was van overtreding van norm 32 uit de NGWI: "Alle auteurs moeten de definitieve versie van het wetenschappelijke product hebben goedgekeurd." Ook menen beide gremia dat deze overtreding onder de NGWI moet worden gekwalificeerd als een 'lichte tekortkoming'. Het LOWI bevestigt daarom het advies van de CWI en het besluit van het CvB op dit punt.

Anders dan de CWI meent het LOWI echter dat de betrokkene bij de indiening van het manuscript bij [...] ook zo onzorgvuldig heeft gehandeld dat dit een lichte tekortkoming oplevert. Aan dit oordeel draagt onder meer de hiërarchische relatie tussen klager en betrokkene bij.

Het volledige advies te lezen is op de [website](#) van het LOWI.

5 Definitief oordeel van het College van Bestuur

Besluit 7 februari 2023:

Het College van Bestuur volgt het advies van het LOWI naar aanleiding van zijn besluit van 5 juli 2022 betreffende de klacht van [...] tegen [...] van 22 september 2021 met uitzondering van de conclusie dat betrokkene onzorgvuldig heeft gehandeld met het indienen van het manuscript bij [...], zodanig dat dit kwalificeert als een lichte tekortkoming. De reden om dit deel van het advies niet te volgen is dat het LOWI niet duidelijk maakt welke norm uit de NGWI bij dit handelen van betrokkene is overschreden.

Het College van Bestuur handhaaft daarom zijn besluit van 5 juli 2022 ter zake.