

Casus Wetenschappelijke Integriteit

2022

Research project supervisory integrity – unfounded

University of Twente

The complaint was filed and handled in English.

1 Procedure

The Scientific Integrity Committee of the University of Twente (henceforth: the CWI/Committee) received a complaint on the basis of the Scientific Integrity Complaints Procedure of the University of Twente from the complainant on August 24, 2021, in which defendant 1 and defendant 2 of the department xxx of the faculty xxx are accused of violations in the field of scientific integrity.

An ad hoc Committee was set up to handle the complaint. The complaint received was handled by the Committee in accordance with the complaints procedure that applies from 01 November 2021. On 12 November 2021, the Committee declared the complaint admissible. On 18 November 2021, parties were informed about the admissibility, and the complainant was asked to provide some written answers to specific Committee questions. The answers of the complainant to these questions were received by the Committee on 14 December 2021 and sent to the defendants for information on 15 December 2021.

In the letter of 18 November 2021, the defendants were given the opportunity to write a statement of defence within 3 weeks. The original statements of defence (in Dutch) were received by the Committee and shared with the complainant on 09 December 2021, and upon request, the complainant was provided with an English translation of the statements of defence on 20 January 2022. The complete complaint was discussed substantively by the Committee on 17 December 2021 and 19 January 2022. On 20 January 2022, both parties were informed about the hearing that was scheduled on 08 February 2022. With that letter, parties were also informed about the parts of the complaint that the Committee would (not) address during the hearing. The Committee asked additional questions to the dean of the xxx-faculty, also on 20 January 2022. Answers to these questions were provided by the dean on 31 January 2022, and shared with both parties for information by the Committee on 03 February 2022.

The report of the hearing was shared for information with both parties on 14 March 2022. Next, the Committee's intended advice to the Executive Board was sent to both parties on 19 April 2022. Based on article 5.3 sub i of the complaints' procedure, both parties were given the opportunity to respond to factual inaccuracies in the intended advice within 10 working days, after which the Committee's final advice was sent to the Executive Board on 11 May 2022.

The Executive Board made the intended decision on 16 May 2022. No advice was requested from the LOWI (National Body for Scientific Integrity). The final decision was made by the Executive Board on 4 July 2022 (chapter 7).

2 Factual situation

To the understanding of the Committee, the factual situation is as follows:

The xxx department is located within the xxx faculty. Defendant 1 is chair of the xxx department. The department is involved, inter alia, in externally funded (commissioned) research, such as the xxx, xxx and xxx-projects, involving xxx and xxx, and also including several PhD projects, such as of xxx and xxx. Defendant 2, the complainant and xxx are relevant scientific staff members of the xxx department. Initially the complainant was principal investigator of the xxx project, but defendant 1 later decided that defendant 2 would be the operational project leader while the complainant would stay on as scientific project leader.

Defendant 2 also took the lead in and became project leader of the xxx project. xxx is involved in the case as an external coach (inter alia) of the complainant.

3 Subject and of the complaints

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.

4 Discussion of the complaints

The complaints, 16 in all, and viewpoints of parties in the complaint are summarized in the below.

1) ***“defendant 1 did not provide an open and inclusive culture in all phases of my research.”***

- The complainant is of the opinion that defendant 1 uses double standards and acts against the principles of transparency and responsibility. This resulted in an isolated position of the complainant, from which collaboration with colleagues became impossible and which hindered him in delivering on his tasks. According to the complainant, defendant 1 continues to communicate in Dutch, despite the complainant's request to communicate in English.
- Defendant 1 responds that he has not encouraged or allowed for defendant 2 to not meet the complainant in person. As to his own communication, defendant 1 stated that he speaks in English or Dutch depending on the circumstances.

2) ***“defendant 1 stimulated or permitted defendant 2 to disregard my contribution to the xxx project.”***

- The complainant is of the opinion that defendant 1 ignored the complainant's possible contribution in designing a new research project (xxx). For the complainant, the ensuing situation was that he could not defend his intellectual ownership as this would lead to disagreement with defendant 1, given that the latter was unwilling to secure a fair allocation of authorship, or to require of defendant 2 to refrain from violating integrity standards.
- According to defendant 1 he did not ignore the contribution of the complainant. Defendant 1 explains that he has made conscious choices, resulting in a (more) balanced division of tasks within the teams.

- 3) ***“Defendant 1 did not refrain defendant 2 from discriminating against xxx [nationality] candidates.”***
- The complainant is of the opinion that defendant 1 permitted defendant 2 to discriminate against xxx [nationality] candidates and that he did not stop defendant 2 from violating integrity standards, resulting in hindering the complainant from conducting his duties related to both project and research.
 - Defendant 1 responds by explaining that an xxx [nationality] PhD student left the project. Another xxx [nationality] PhD candidate left before the start of the PhD, and one PhD candidate did not accept a job offer because they preferred a job in the private sector or were offered a job at another university. To his knowledge, there was no discrimination.
- 4) ***“Defendant 1 encouraged or at least allowed defendant 2 to change the main research question.”***
- The complainant is of the opinion that defendant 1 allowed the project goal to be changed in a meeting with some researchers, but in the absence of stakeholders and the principal investigator (i.e., the complainant). The complainant asserts that he was not informed about or included in the discussion. The complainant did not agree with the change, as he has indicated to defendant 1. The complainant changed it back to the original project goal, after which he was blamed by defendant 1 for not accommodating the request to make the change. According to the complainant, the defendant did not support the principal investigator in defending the main project goal. The complainant believes not all stakeholders are satisfied with the change; contrary to what defendants have suggested.
 - Defendant 1’s response to this accusation is that it is not uncommon for the original objectives and research questions to be refined over time. Decisions regarding this were made jointly and stakeholders have indicated that they are satisfied with the results. In addition, the defendant mentions that they were under time pressure and did not have enough time to discuss it with everyone, so decisions were made without discussing that with the whole group. The interpretation of the framework was continuously changing, there was a lot of discussion about what the framework really was. Therefore, they used a slightly different wording: in a small group with 4, it was written down in such a way that everyone could agree.
- 5) ***“Defendant 1 hinders my research in all phases by not respecting the confidentiality that he must consider.”***
- The complainant is of the opinion that defendant 1 violates the confidentiality when sharing his personal appreciation of the complainant with others. In this, the complainant was publicly being called incompetent in teamwork, despite him being a certified trainer on personal leadership. According to the complainant, defendant 1 used a false conclusion to take away the project leadership from the complainant. By publicly labelling him as incompetent, the complainant is of the opinion that the defendant violated privacy, negatively impacted the working environment, and prevented him from doing his research task.
 - Defendant 1 responds by stating that he could have used words that are not useful, if they are put under a magnifying glass or taken out of context. The defendant states that he, regarding his communication towards others (xxx or stakeholders), has acted carefully. The defendant says he stimulated the complainant to develop with coaching.
- 6) ***“Defendant 1 did not do justice and denied my role as PI.”***
- While complainant and defendant agreed upon the complainant committing to improve his leadership skills, defendant 1 took away the project soon after the complainant started this coaching trajectory, according to the complainant. The complainant is of the opinion that the defendant hindered his leadership and progress despite the earlier agreements.
 - Defendant 1 responds by mentioning that in xxx, incidents occurred that demonstrated how some staff members, including PhD students, were not satisfied with the complainant’s supervision or contact. The defendant, as chair holder, felt compelled to implement a number of measures. On the other hand, according to defendant 1, the complainant still has a position as scientific project leader and content supervisor of PhD students and postdocs.
- 7) ***“Defendant 1 hinders my research and does not appreciate earlier agreements.”***
- The complainant is of the opinion that defendant 1 does not live up to earlier agreements, hindering him in research and his professional career. The defendant made simultaneous

decisions and unreliable promises which are against transparency and responsibility principles and results in an unpredictable working environment.

- Defendant 1 has answered to this complaint by stating that he indeed made a change on earlier agreements. The defendant made it clear that he respects the complainant's role as scientific project leader but felt that project management had to be improved.

8) "Defendant 1 did not provide an open and inclusive culture and ridiculed me in front of others."

- The complainant is of the opinion that defendant 1 called him incompetent to his direct colleagues and ridiculed him in front of others by telling the team that "*xxx put a small bomb for us on the table*", while, a few days earlier, the company doctor advised the defendant to take into account limitations of the complainant. The complainant is of the opinion that the defendant compared him with a terrorist who purposefully wants to harm others. For the complainant, such a remark is not a joke, it was a complete humiliation. The complainant reflected in writing on the situation. Again, the company doctor advised the defendant to try to avoid giving the impression that values such as safety, privacy and respect (which to him are very important) are not secured. Towards or in front of others, the defendant often blames him and presents him negatively to the group, creating a negative image of him, according to the complainant.
- Defendant 1 responds by stating that he definitely did not compare the complainant with a terrorist. He respects the complainant and thinks he is a good scientist. During xxx, an email with sensitive content was sent by the complainant to colleagues. When deciding to raise this in a plenary intervention xxx, the defendant used words that included the word 'bomb'. The defendant states that the words as quoted will be correct in meaning, but he cannot remember the exact words as quoted in detail. The defendant mentions that there was tension on the cooperation in the management of the project and that it is difficult for the complainant to accept the change in operational management.

9) "Defendant 1 does not contribute to the inclusive and open culture and hinders my research."

- The complainant is of the opinion that defendant 1 excluded him from the 'xxx' xxx (xxx) although he had expressed his interest in joining the xxx initiative. The following course of actions, such as not making slides available, goes against the standards for an open and inclusive culture and hinders his progress in developing the "xxx" theme.
- Defendant 1 responds by stating that he was not responsible for nor did he exclude the complainant from xxx and a related xxx (xxx) meeting. This is a matter that is up to the individual research to pick up on and take initiative. xxx organised a number of workshops on various topics together with xxx, to the opinion of defendant 1, the complainant was not excluded deliberately.

10) "Defendant 1 violates my intellectual ownership over authorship."

- Intellectual property is important for the academic career. According to the complainant, defendant 1 decided that the complainant must not be the co-author of the paper written by the complainant's PhD student, xxx. The complainant told defendant 1 that he could not understand why he was excluded despite of his prior experience and publications. The complainant is of the opinion that it goes against their earlier written agreement that both supervisors have equal roles in supervision and that defendant 1 did not stop the others involved from disregarding these agreements. In addition, the complainant says that he thinks his contribution is (overall) very easily ignored. In that perspective the defendant's stance in this issue did not provide a good example, showing his lack of academic leadership. He adds that the defendant in a meeting said that the complainant might have been right but that he wouldn't change his decision. The complainant believes the defendant takes decisions on the mere basis that he can.
- Defendant 1 responds by stating that the involved authors, besides the PhD student supervised by the complainant and xxx (i.e., xxx) and this same colleague (i.e., xxx) also two colleagues from xxx (xxx; i.e., xxx and an xxx PhD-candidate, xxx), defended their conclusion to not include the name of the complainant. Defendant 1 respected them in their decision. Since both complainant and defendant had only performed a peer review, the defendant also had his own

name removed from the list of authors in solidarity with the complainant. He adds that they both did not contribute on the content and the writing of the paper.

11) “Defendant 1 keeps violating my intellectual ownership.”

- The complainant is of the opinion that, towards a presentation organised by the ‘xxx’, defendant 1 reshaped and used a figure, which the complainant designed and published in an article, without informing, asking or properly acknowledging him. In addition, the complainant explains that the defendant says that he didn’t use the figure, but the complainant saw in the presentation online that he did. According to the complainant, the defendant is playing with words and shows a lack of transparency. This does not contribute to an open culture and creates an insecure working environment where he feels unsafe about his intellectual productions, which impacts his performance as a researcher.
- Defendant 1 responds by stating that he is also co-author of that figure, acknowledging that the complainant did most of the designing, but not all. For the presentation he asked someone to reshape the figure, although, in the end, this did not work out satisfactorily and these concepts were not used. He agrees that the figure of complainant and himself was ultimately used in the presentation.

12) “Defendant 2 used my ideas, results, and text from the xxx proposal but did not do justice to my contribution.”

- The complainant is of the opinion that defendant 2 did not acknowledge the use of his intellectual material taken from the xxx proposal. According to the complainant, the defendant copied and pasted a big part of the xxx proposal to form the xxx project. The defendant agreed and promised collaboration, took ideas, copied a part of the proposal, and then ignores his contribution. As a principal investigator for project xxx, the defendant did not provide an open and inclusive culture.
- Defendant 2 responds by stating that he was inspired by the earlier xxx proposal in terms of format, roadmap motivation and research methodology. However, the complainant has not been involved in the ideas about xxx and xxx. Although there is a transparent reference to the earlier xxx and xxx proposals, he could have mentioned here that they were opting for a similar roadmap motivation as the earlier xxx proposal, since the motivation for the xxx roadmap was partly re-used. The decisions that defendant 1 made were team decisions.

13) “Defendant 2 refrains an open and inclusive culture in all phases of research.”

- The complainant is of the opinion that defendant 2 discriminated against xxx [*nationality*] candidates, telling the project stakeholders that “xxx [*nationality*] candidates cannot be trusted”. Defendant 2 did not talk about the complainant and his role – as the project initiator, scientific project leader, and the (past)leader – with respect in that meeting. The complainant confronted him but he did not get an apology. It disrupted his relations and impacted his research within the project and beyond. Complainant’s long-lasting illness began after that event.
- Defendant 2 responds by stating that the allegation seems to be based on one situation in which he reflected on an xxx [*nationality*] candidate, indicating that finding a candidate is difficult since, after selection, this candidate had accepted a job at another company just before the start. Defendant 2 never said or meant that xxx’s [*nationality*] cannot be trusted. According to the defendant, the complainant was very concerned and emotional about the unexpected leave. He is accused now of disrespecting the “entire xxx nation”, which defendant 2 thinks is an unfair emotionally charged allegation. The complainant thinks it is unfair that he has taken over the project management in the xxx project. This was a decision of defendant 1 who had explained it extensively to the complainant. The complainant kept an important role (scientific leadership) in the project.

14) “Defendant 2 uses my ideas, results, and text without citation.”

- Along with the start of projects xxx and xxx, the complainant created the project website with a unique domain name, used especially for valorisation purposes. The agreement was reached that this URL would act as the project website, and the complainant would manage this website. The complainant is of the opinion that defendant 2 created/promoted a parallel website, using the same strategy for his presentations to the outside world, without citing neither the project's origin nor the key project figure, to promote himself as the project leader

on xxx and acquire funding from xxx. Such actions hinder the complainant from actively valorising new projects on his research themes.

- Defendant 2 responds by stating that he asked to give him and also the PhD students access, for them to do their own project communication. In the end, he accepted that the complainant wanted to keep the entire website in his own management. Defendant 2 communicated to the PhD students that it's the complainant's personal website. It was decided together to work from a new webpage, for which the content has been provided by the PhD candidates themselves, and to which those involved have access, also the complainant. When stating his own name on a presentation, the defendant does so to indicate in which role he took part. The defendant says that, if he didn't make good source references of images or figures in presentations, he has not done it consciously to suggest it is his work. According to the defendant, he has never consciously omitted or put the complainant's name in the back.

15) “Defendant 2 makes improper use of the research fund.”

- In December xxx, there was a vacancy and the position for the fourth PhD project was published. The complainant is of the opinion that defendant 2 did not accept the published PhD profile when he became the project leader, and it took about five months to update the profile, at which the complainant helped out. In September xxx, defendant 2 and defendant 1 decided to cancel the fourth position and to replace it with a postdoc position, waiting for another six months for xxx, a then PhD student, to be able to start as a postdoc. This resulted in a delay of 15 months which led to losing the project funding due to the contracting considerations.
- Defendant 2 responds by stating that he thinks it is not true that he has adjusted the research objectives or has incorrectly managed research funds. At most, in mutual consultation with the PhDs and stakeholders, the interpretations have been adjusted by the PhD candidates.

16) “Defendant 2 violates an open and inclusive culture.”

- The complainant is of the opinion that defendant 2 avoided talking with him but talked about him with other colleagues, e.g., about his intellectual property or leadership. Defendant 1 makes decisions based on the information provided by defendant 2, often without asking the complainant's opinion. Defendant 2 rejected invitations for a meeting to create an open atmosphere; he prefers team interventions, since he thinks it's not a personal problem with the complainant but within the team.
- Defendant 2 responds by stating that his way of working is characterized as open and transparent. A lot is done jointly. His working relationship with the complainant was discussed with the coach, xxx. Defendant 2 said that the problems are not only between the complainant and him, but that, according to defendant 2, the complainant seemed to have a difficult working relationship with almost the entire group. Not only did the complainant and defendant have to work on restoring their relationship, the complainant also has to look at the cooperation with other team members, according to the defendant.

5 Considerations of the Committee

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

In the further below the considerations behind the CWI assessment on the validity of the complaints are presented following this clustering.

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.

The CWI did take into consideration that, before and at the start of the hearing, as well as in his response to the minutes of the hearing, the complainant stated that he did not have enough time to prepare for the hearing. The Committee is of the opinion that while the complainant may have this perception, the combination of the already extensive written exchange of viewpoints, and the extent and substantive content of the oral exchange during the hearing, allows the CWI to provide a thorough and proper assessment on the validity of the complaints that were made. In the opinion of the CWI the whole exchange had meanwhile reached a point where: 1. respective positions, viewpoints and key arguments were abundantly clear; 2. additional discussions would merely lead to a repetition of arguments, i.e., without adding to the CWI's understanding and assessment; 3. the complainant had 2,5 weeks' time between receiving the English translation of the defendants' rebuttal and the hearing. Together with the discussion during the hearing the Committee is convinced that it possesses the information necessary to provide a final and conclusive advice on the complaints.

Assessment of complaints for each cluster (A-E):

A. Complaints regarding the 'ownership' of ideas related to xxx.

This cluster comprises the following complaints:

- (1) – *“Defendant 1 did not provide an open and inclusive culture in all phases of my research.”* Relevant scientific integrity standards: 56, 57, 58.
- (6) – *“Defendant 1 did not do justice and denied my role as PI.”* Relevant scientific integrity standards: 28, 58.
- (2) – *“Defendant 1 stimulated or permitted defendant 2 to disregard my contribution to xxx project.”* Relevant scientific integrity standards: 29, 30, 40, 57.
- (12) – *“Defendant 2 used my ideas, results, and text from the xxx proposal but did not do justice to my contribution.”* Relevant scientific integrity standards: 29, 30, 40, 56.
- (14) – *“Defendant 2 uses my ideas, results, and text without citation.”* Relevant scientific integrity standards: 29, 40, 56, 57, 58.

The relevant standards read as follows:

- 28. *Take on only those tasks that fall within your area of expertise.*
- 29. *Do justice to everyone who contributed to the research and to obtaining and/or processing the data.*
- 30. *Ensure a fair allocation and ordering of authorship, in line with the standards applicable within the discipline(s) involved.*
- 40. *When making use of other people's ideas, procedures, results and text, do justice to the research involved and cite the source accurately.*
- 56. *As a supervisor, principal investigator, research director or manager, provide for an open and inclusive culture in all phases of research.*
- 57. *As a supervisor, principal investigator, research director or manager, refrain from any action which might encourage a researcher to disregard any of the standards in this chapter.*
- 58. *Do not delay or hinder the work of other researchers in an inappropriate manner.*

The CWI considers:

- That overall, while parties do regularly agree about decisions that were taken, they disagree about their interpretation and the way they were implemented, suggesting a continuum of poor collaboration as practiced, punctuated by momentary agreements about the way forward. Unfortunately, this is reflected in the written and oral statements about interpretation and implementation of agreements in practice, suggesting marked differences between parties in their professional and personal-cultural attitudes. In all, this situation makes it difficult to obtain an objective picture of actual events and patterns of behaviour, as assertions are often mutually contradicted without compelling or conclusive supporting evidence.
- That the complainant and both defendants clearly disagree about complaint no. 1., against defendant 1, regarding his alleged blaming the complainant for not talking face-to-face with defendant 2 while meanwhile encouraging the latter to avoiding such face-to-face contact. The same applies to the complainant's assertion, ancillary to his first complaint, that defendant 1 intentionally chooses to communicate with the complainant in Dutch, while speaking English with all other non-Dutch speaking colleagues.

- That all parties agree that the complainant was never the xxx project owner, nor owner of its project description. He was initially the project leader as expressed in various documents, such as the project contract, as signed by the dean of the xxx-faculty to represent the UT/xxx and by the complainant to confirm his understanding of responsibilities that came with being, as the contract names it, “principal investigator” (PI). The complainant assumed there was a “gentlemen’s agreement” about his role in xxx in that he could seek to participate in that project.
- That the complaint no. 6., regarding defendant 1 allegedly not doing justice to the complainant’s role as (initial) PI in the xxx and particularly in the xxx projects, favouring defendant 2’s involvement and ultimately leadership in the latter project, ignoring the fact that not defendant 2 but the complainant played a major role in the shaping and acquiring of this project, thus acting to the detriment of complainant’s leadership experience and academic career, is categorically contradicted by the accused.
- That, on the matter of complaints nos. 1. and 6., opposite parties differ in their perception and description of how tasks regarding xxx were divided between the complainant and defendant 2. According to the latter and to defendant 1, the initial configuration of the complainant being principal investigator was changed by making defendant 2 operational project leader, involving *inter alia* being the contact person in relation to external stakeholders in the project, while the complainant continued as scientific project leader. Contrary to how defendant 1 and defendant 2 regard the complainant’s title in the project as respectful and an acknowledgment of his foundational intellectual input to xxx, the complainant is of the opinion that the title of his new role in xxx was “just a name”, and was not reflected in practice, as demonstrated by how defendant 1 allegedly said to others that he, the complainant, was incompetent and incapable as project leader. According to defendant 1, he was merely citing the assessment within the complainant’s coaching process stating that progress was limited to improving from “unconscious incompetence” to “conscious incompetence”, to underpin his concerns about the complainant’s suitability to maintain his role as project leader/principal investigator of xxx – and only with two senior colleagues. According to the complainant, agreements made between him and other members of the team, particularly the defendants, were constantly changed by the latter, making it impossible for him to properly act as scientific leader. Furthermore, the complainant asserts that shortly after the xxx-leadership changes were made, defendant 1 told him that effectively defendant 2 was the general, i.e., the overall project leader. The defendants vehemently disagree with this portrayal of events, stating that in meetings with stakeholders/external parties the complainant was explicitly introduced as scientific leader, and that with each new idea about the project the complainant was invited to and in fact present at “almost 90%” of the discussions.
- That, according to his own statements, in placing defendant 2 in the position of project leader for the xxx project, defendant 1 acted upon his assessment that defendant 2 was already active in the field of maintenance organisation and could have the lead in writing the proposal. In addition, he sought to balance the workload between relevant staff members, as with 2 supervisors for PhD-projects within each research-line, while this would still allow the complainant to follow his interests and contribute across research-lines/projects, where he would find this interesting. This new project (xxx) and related task-allocation was discussed at the ‘heidag’ in xxx, at which occasion the complainant seemed enthusiastic about collaborating and fine with the division of tasks. All parties agree that soon after the heidag the respectively intended or expected open exchanges broke down, such as on discussions about acknowledging the complainant’s authorship within the xxx project description. According to the complainant, defendant 2 refused to meet with him face-to-face, and this was supported by defendant 1. Both defendant 2 and defendant 1 contradict such attitude or agreement.
- That the defendants explicitly contradict any claim, as expressed in complaints nos. 2, 12 and 14. alleging that the complainant’s contribution to the xxx project was disregarded, such as by using his ideas, results and texts from (the) xxx project (description) without proper referencing.

All of the above considerations lead the CWI to **conclude**:

- That on the matter of the alleged infringement of standard 29 (do justice to contributions), standard 30 (fairness in authorship) and standard 40 (do justice to underpinning research/cite properly) the complainant’s claim is that his work, particularly on xxx, is insufficiently being acknowledged in the xxx project description – as addressed in complaints nos. 2, 12 and 14. Clearly, the department has sought to present its project proposals and descriptions as being about teamwork of or within the department, while - where relevant - emphasizing how the one project is a follow-up on a former project. Parties

differ in view about the extent to which the complainant was sufficiently acknowledged, also in xxx, for his work in xxx, with defendants emphasizing that in presentations the complainant was mentioned as initiator, to even stand up to be clearly recognised. Defendant 2 stated that meanwhile he decided, both for himself and the members of the scientific team, that in referencing to collective work of members of the xxx project it would always read 'the xxx team' and, if relevant, would explicitly name the complainant and other individual participants to the source – to avoid touching on unexpected sensitivities. The CWI is of the opinion that given the relevant projects are department projects, always involving collaboration within a team of researchers, referencing to the department or team behind a project, especially in external relations, may be seen as adequate – setting aside referencing to specific scientific articles (on which more in Cluster D). Further, the CWI is of the opinion that in as much as defendant 1 did approve of defendant 2 copy-pasting certain parts of (the complainant's work in) the xxx project description, there is no reason to assume anything else than that he did so from the position and assumption that this was done only in as much as needed to express how xxx was a logical 'follow-up' to xxx, and always upon proper referencing.

- That on the matter of the alleged infringement of standard 56 (superiors providing an open and inclusive culture) the complainant's allegations in complaint no. 1, about defendant 1's instructions or approval of defendant 2 not being willing to engage in face-to-face meetings with him, are insufficiently substantiated. While it may be that the *de facto* suboptimal mode of communication/collaboration between parties triggered the complainant's suspicions, the nature of this accusation would require a more convincing argumentation. The CWI finds that statements derived from the report by xxx, allegedly in support of how defendant 1 was out to isolate the complainant, such as by, again allegedly, allowing defendant 2 to avoid contact with the complainant, do not add to such argumentation as these basically or mainly rely on statements of the complainant in his talks with xxx.

While the arguments that the complainant provides, clearly make the case that he has lost trust in defendant 1's willingness to reflect an open and inclusive culture vis-à-vis the complainant, they fall short in proving such lack in willingness. At that they also stand opposite to defendant 1's (and defendant 2's) explicit counter-assertion(s) that defendant 1 has continuously tried to involve the complainant in his department's projects, but that this is met with reluctance and unfounded suspicions about not being (sufficiently) recognised for his intellectual contributions; quite contrary to his appreciation of the complainant's academic work.

In a similar way, the CWI observes that the additional complaint about defendant 1 allegedly refusing to use English in his mail exchanges with the complainant, also comes with opposing statements on facts, and that there is insufficient basis to conclude that defendant 1 structurally displays such behaviour, let alone that this would with mal intent. As such the Committee finds that this accusation does not currently raise a concern over scientific integrity. Given that, since 2018, the English language is the 'primary formal language of communication' at the UT (see: UT Language policy documents), staff in leadership positions may be expected to behave as example. This especially includes (external and) internal formal communication, but not necessarily internal informal communication, as in that context the UT policy does allow for mutually agreed derogation. Given the complainant's expressly stated preference, it may be expected of defendant 1 (and likewise of defendant 2) that he (they) will henceforth only communicate with the complainant in the English language, as has been the case during the CWI hearing.

- That on the matter of the alleged infringement of standard 57 (not encourage disregard for integrity principles), as named in complaints nos. 1, 2 and 14, the above findings do not support such conclusion. The above considerations relevant to standard 56 also apply here.
- That on the matter of the alleged infringement of standards 28 (acknowledgement of expertise) and 58 (inappropriate delay/hinderance) there is insufficient basis for assuming that these are being violated. Clearly, decisions taken by defendant 1 did limit the initially existing leadership of the complainant in the xxx project, and also meant he was not to hold such a role in the xxx project. This being noted, the CWI is of the opinion that the position of defendant 1 as chair of the xxx department, brings that he carries the ultimate responsibility for projects within this department and for a fair, effective and efficient division of related tasks, and that this comes with a certain measure of professional discretion with respect to making relevant choices and underlying assessments – following his academic rank and his appointment as department chair by the dean of the faculty. In weighing defendant 1's arguments for the relevant decisions against the assertions by the complainant, the CWI is of the opinion that there

are insufficient grounds to assume that the former exceeded the boundaries of this discretion. Sometimes difficult decisions need to be taken, placing the perceived interest of a project, or of the department, above the academic interests of an individual staff member. The CWI has no reason to assume that any other argument was at stake in the decisions taken, nor that these were intended, nor that the foreseeable impact should have been expected to disproportionately limit the complainant's interest – also given his remaining status as scientific project leader. The complainant's perception of these decisions, or of the way these decisions were understood and implemented, and how in practice this has led him to feel side-lined, does not support the conclusion that scientific integrity (as laid down in standards 28 and 58) was violated. In as much as the complaints express a management critique, they are not admissible in the CWI complaints procedure (*vide* para 5.4, sub 7a. VSNU code of conduct).

In all, 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 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. Complaints regarding changing the main research question (use of funds).

This cluster comprises the following complaints:

(4) – “Defendant 1 encouraged or at least allowed Defendant 2 to change the main research question.” Relevant scientific integrity standards: 57 and 59.

(15) – “Defendant 2 makes improper use of the research fund.” Relevant scientific integrity standards: 61.

(16) – “Defendant 2 violates an open and inclusive culture.” Relevant scientific integrity standards: 56, 57, 58, 59.

The relevant standards read as follows:

- 56. As a supervisor, principal investigator, research director or manager, provide for an open and inclusive culture in all phases of research.
- 57. As a supervisor, principal investigator, research director or manager, refrain from any action which might encourage a researcher to disregard any of the standards in this chapter.
- 58. Do not delay or hinder the work of other researchers in an inappropriate manner.
- 59. Call attention to other researchers' non-compliance with the standards as well as inadequate institutional responses to non-compliance, if there is sufficient reason for doing so.
- 61. Do not make improper use of research funds.

The CWI considers:

- That opposing parties agree that it is not unusual that research objectives and leading questions change in the course of the research project.
- That parties hold conflicting viewpoints on the appropriateness of the xxx change in the xxx research objectives and leading questions – addressed on complaint no. 4. According to the complainant a sharpening of focus (on 'xxx') could have been in place, but instead the change (to 'xxx') made the orientation vaguer, which he could not agree with. The defendants both hold the view that the use of the framework concept (and imagery) kept triggering discussions about its actual meaning, so the choice was made to change the wording of the focus. Not to make a fundamental change but to enhance clarity, something that, according to defendant 1, PhD-students within the project had been complaining about. Both defendants are of the opinion that the complainant read too much in the change that was made. To the complainant the change that was made is proof of the fact that defendant 2 does not know what the concept of the framework entails and that he is not competent to lead the project.
- That opposing parties seem to agree that the complainant was not present in the xxx meeting that ultimately came with a decision on changing the project focus; presumably having left at some stage of the deliberations and before the actual decision. They do, however, hold conflicting views on whether and if so, to what extent the complainant was included in the discussion leading up to the actual decision.

According to the complainant the change came as a complete surprise to him, and on top of that, upon being informed he was instructed to communicate the change to the stakeholders. Defendant 1 stated that at the time the team struggled with the project management, and together with discontent in PhDs opinions about the project focus, there were time-pressures that caused there not being enough time to discuss the change with all parties involved in the project. Defendant 2 added to this, that while not everybody attended or could attend the meeting, a decision needed to be taken, and a smaller group decided to pragmatically make a change that all those present could agree with. Not, in his opinion, a fundamental change, but a minor one to at least agree on wording.

- That according to both defendants the stakeholders were quite happy with the change. The complainant disagreed and suggested that the CWI further investigate this.
- That clearly the complainant took this matter more serious than the defendants and communicated to defendant 1 that he did not agree and that he had meanwhile changed the wording back to the original. According to his statement, this resulted in a conflict between him and defendant 1, with the latter saying that the complainant would have to take the blame for not implementing the change. The complainant is also of the opinion that his removal as project leader, about two months after the change in the project goal, resulted from this conflict. The fact that subsequent to this removal the defendants decided to cancel a xxxth PhD project, the one that was to be dedicated to the framework perspective, was perceived by the complainant as the final blow to the original project goal.

All of the above considerations lead the CWI to **conclude**:

- That on the matter of the alleged infringement of standard 56 (superiors providing an open and inclusive culture), it seems that all parties agree that it was unfortunate that not all participants were able to join the final meeting at which the project focus was rephrased. They do, however, clearly differ on the significance of the change and thus on the seriousness of some participants being absent. Defendant 1, being the responsible department chair, expressed the time-pressure that he experienced in having to end ongoing discussions, accompanied with complaints from PhD-students. In this context of circumstances, and while acknowledging that the way decision-making took place seems less than desired, the CWI is insufficiently convinced by the complainant's assertion that this incident is proof of the defendants acting against the standard of providing an open and inclusive culture.
- That on the matter of the alleged infringement of standard 57 (not encourage disregard for integrity principles), following upon the conclusion regarding standard 56, there is no convincing argument supporting the allegation that defendant 1 or defendant 2 acted to encourage disregard for integrity principles.
- That on the matter of the alleged infringement of standard 58 (inappropriate delay/hinderance) and in line with the above conclusion (in cluster A) on standard 58, the CWI finds that there are no convincing indications that defendant 1 acted outside the boundaries of his discretionary competence. Given his assessment of the nature of the change in focus, i.e., necessary but not fundamental, and the importance of proper stakeholder relations, particularly in commissioned research as that of xxx, his conclusion that the complainant had to carry the blame for undoing the change, does not come across as inappropriate. The CWI also does not find convincing arguments to conclude that defendant 2 acted to inappropriately delay or hinder the work of the complainant. Clearly there are opposing viewpoints on the nature of the change in focus, but that is all within the normal debate between academics. Given defendant 1's emphasis on having to end the discussion, there is no indication that defendant 2 unilaterally sought to force a decision in the absence of the complainant.
- That on the matter of the alleged infringement of standard 59 (attention to non-compliance) the CWI finds that in the absence of non-compliance with scientific integrity principles, this complaint has no merit.
- That on the matter of the alleged infringement of standard 61 (improper use of funds) the CWI is of the opinion that this assertion relies entirely on the assumption that the change in project focus effectively constitutes a breach of contract with the stakeholders. As said in the above, it is not uncommon for any research project's focus to change in the course of the research. In commissioned research it is of course vital that such changes are also agreed upon by external/funding parties. While opposite parties have made different statements as to the stakeholder appreciation of the change in focus, the lack of clear and convincing indications of objections on the side of stakeholders, with the changes that were made, brings that the claim regarding violation of standard 61 is unfounded.

In all, 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. Complaints regarding the alleged violation of Intellectual Property Rights

This cluster comprises the following complaints:

(10) – *“Defendant 1 violates my intellectual ownership over authorship.”* Relevant scientific integrity standards: 29, 30, 57.

(11) – *“Defendant 1 keeps violating my intellectual ownership.”* Relevant scientific integrity standards: 40, 56, 58, 59.

The relevant standards read as follows:

- 29. *Do justice to everyone who contributed to the research and to obtaining and/or processing the data.*
- 30. *Ensure a fair allocation and ordering of authorship, in line with the standards applicable within the discipline(s) involved.*
- 40. *When making use of other people's ideas, procedures, results and text, do justice to the research involved and cite the source accurately.*
- 56. *As a supervisor, principal investigator, research director or manager, provide for an open and inclusive culture in all phases of research.*
- 57. *As a supervisor, principal investigator, research director or manager, refrain from any action which might encourage a researcher to disregard any of the standards in this chapter.*
- 58. *Do not delay or hinder the work of other researchers in an inappropriate manner.*
- 59. *Call attention to other researchers' non-compliance with the standards as well as inadequate institutional responses to non-compliance, if there is sufficient reason for doing so.*

The CWI considers:

- That, on the matter of complaint no. 10, all parties agree that defendant 1 and the complainant were mainly involved as invited peer reviewers to an article by authors both from within the xxx department (i.e., xxx and xxx) and from xxx (i.e., xxx and xxx), to which the complainant states having contributed in more ways. That when it came to deciding on authorship the original authors decided to include defendant 1 as author, but not the complainant. This being the case, defendant 1 considered that it was up to the authors to decide on what criterion they would (not) include a reviewer as author, but that when they excluded the complainant they should, on that same criterion, also exclude him; which is what ultimately happened.
- That on this matter, if looked upon as an alleged violation of intellectual property rights, opposite parties agree that defendant 1 cannot be blamed for the decision that was taken by the authors to exclude (both him and) the complainant as authors.
- That the complainant does blame defendant 1 for unilaterally accepting the authors' final say on the criterion for co-authorship and weighing the de facto contributions of the complainant and himself. According to the complainant, defendant 1 actually agreed with him that one could have argued for being included as authors. To the complainant, this is typical for the way in which defendant 1 shows too little academic leadership in his lack of support for recognition of the complainant's academic work.

Not only in this case, but also in, according to the complainant, many other cases – adding to a situation of his work often “being forgotten”. Defendant 1 contradicts this view on his stance in the matter, emphasizing that he and the complainant did not contribute to the content nor did any actual writing of the paper, so the position of the authors was understandable, and it was their call to make. His acceptance should not be seen as depreciation of the complainant’s work and he also denies the suggestion of a general lack of support, emphasizing that he finds that the complainant is in fact a good researcher.

- That on the matter of complaint no. 11, regarding the use of a figure that the complainant had published in his article on xxx (xxx et al. xxx), there are different claims on authorship. The complainant presents his complaint as one which rests upon his sole authorship. In defendant 1’s view the figure was co-created between the complainant and himself, with around 70-80% of creativity/work coming from the complainant and around 20-25% from defendant 1; his part still being a relevant substantive contribution. According to the UT publication repository, the article was written by the complainant, defendant 1 and PhD-candidate xxx.
- That defendant 1 used the figure in a “xxx” presentation to xxx (i.e., xxx), on xxx. His and other presentations in this xxx setting were lectures for politicians and their assistants; 7 in all and organised by xxx together with xxx, to update *inter alia* about xxx, xxx, xxx and xxx. Lecture 7 was about the theme of “xxx” and defendant 1 was one of three speakers, the other two being a PhD-student and an entrepreneur respectively.
- That defendant 1 decided that because the original figure was too complex, he asked a design sketch lecturer to redesign it with greater simplicity. The result of this was not adequate so he decided against using this. He did then make a few changes in the figure lay-out and used this in his slide presentation. According to the complainant defendant 1 suggests not using the original figure, which may strictly speaking be correct, but in fact the figure he did use differs only very slightly from the original. The complainant regards this a lack of transparent behaviour. Defendant 1 agrees about the figure that was in the presentation, but does not regard this use, in this context and with his initial involvement and co-author of the relevant article as a transgression of the complainant’s rights nor as a violation of integrity. On this matter defendant 2 informed the CWI that he instructed the PhD students, in order to avoid this kind of discussions in the future, to include the name of the complainant in every publication – unless he himself does not want his name to be included.

All of the above considerations lead the CWI to **conclude**:

- That on the count of complaint no. 10, the alleged infringement of standard 29 (do justice to contributions), standard 30 (fairness in authorship) and standard 57 (not encourage disregard for integrity principles), relevant to the issue of authorship upon performing a peer review, the CWI observes firstly that there is not an accusation concerning infringement of intellectual property rights. There is an accusation that these three standards were violated by defendant 1 in how he allegedly provided insufficient support for having the complainant’s contribution to the paper acknowledged as worthy of authorship. The CWI finds that no convincing case was made to suggest that defendant 1 lacked integrity by agreeing with the choice made by the original authors on what criterion (of weighing significance of contributions) was applied and how. He agreed to have his own contribution downgraded to reviewer. To assume that such decision demonstrates a lack of support, let alone a pattern of lacking support in respect of the complainant being recognised for his work, also more generally, would require more explicit indications, such as, in this case, that (both he and) the complainant had actually co-authored the paper.
- That on the matter of complaint no. 11, the alleged infringement of standard 56 (superiors providing an open and inclusive culture), standard 58 (inappropriate delay/hinderance) and standard 59 (attention to non-compliance) the CWI takes as point of departure that the complainant and defendant 1 jointly hold the intellectual rights to the article and figure therein, with xxx, regardless of the exact share each had in the article/figure. Further, it is agreed between parties that the presentation before the xxx came with a figure that is clearly based upon and in many respects resembles an adaptation of the figure in the article. The CWI does not, however, regard defendant 1’s xxx-presentation in xxx as research in the sense of par 1.1 of the VSNU Code of Conduct, but rather as an external lecture to a policy-maker audience. Consequently, the standards of that Code do not apply to that particular activity. Clearly the complainant would have wanted to see that an activity such as this would also be used to “advertise”

work being done in and by researchers within the department; being clear about authorship of the litigious figure being one way of doing this. In this context the CWI finds that this one occasion of a lecture without providing a reference for this specific figure, is primarily about making a considered choice on the mode of communication that is believed to be most suitable to the given objective and specific audience context, and as such cannot be regarded as a violation of maintaining an open and inclusive culture, nor of hindrance to co-authors. Consequently, the allegation of a violation of standard 59 also fails.

In all, 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. Complaints regarding the alleged hindering of research and ridiculing

This cluster comprises the following complaints:

(7) – “Defendant 1 hinders my research and does not appreciate earlier agreements.” Relevant standards: 29, 56.

(8) – “Defendant 1 did not provide an open and inclusive culture and ridiculed me in front of others.” Relevant scientific integrity standards: 29, 56, 58.

(9) – “Defendant 1 does not contribute to the inclusive and open culture and hinders my research.” Relevant scientific integrity standards: 29, 56, 58.

The relevant standards read as follows:

- 29. Do justice to everyone who contributed to the research and to obtaining and/or processing the data.
- 56. As a supervisor, principal investigator, research director or manager, provide for an open and inclusive culture in all phases of research.
- 58. Do not delay or hinder the work of other researchers in an inappropriate manner.

The CWI considers:

- That complaint no. 7 relates to how the operational leadership of xxx was transferred from the complainant to defendant 2, and how the complainant is of the opinion that both the decision itself and the way it was later implemented and interpreted violates standards 29 (do justice to contributions) and 56 (superiors providing an open and inclusive culture). The key element in the disagreement between opposite parties is that while defendant 1 speaks of taking away the operational leadership, including communication with stakeholders, from the complainant, the complainant’s perception is that the entire leadership was taken away from him.
- That the FJUT-form xxx shows agreement between both aforementioned parties about the complainant leading xxx (and xxx), as is also reflected in his position in the xxx contract (of xxx) naming the complainant as “Principal Investigator”. By the end of xxx defendant 1 concluded that he would take away the operational leadership from the complainant. He communicated this in a joined conversation with the complainant and xxx. His key argument for this was that the complainant lack of leadership skills was causing misunderstandings which internally he could live with but which posed a risk in external relations with clients (xxx and xxx, as well as other stakeholders). Henceforth operational leadership and stakeholder management of the project would lie with defendant 2; the complainant would remain scientific project leader with respect to the content of the project and supervision of PhD-students. This decision was shared with relevant colleagues (including PhD-students) by mails of xxx and xxx. The complainant takes issue with the way defendant 1 communicates the change to the external stakeholders, in his mail of 17 December xxx, especially when he writes: “To me, this [the concerns about operational effectiveness and communication – CWI] is the reason for my decision to transfer the general project leadership (including operational leadership and stakeholder management) from xxx to xxx.” The complainant finds that this is a first indication of how his role in the leadership of

the project is being further marginalised. The CWI notes that the same mail message also states, two sentences below the above quote: "Given his strong understanding of xxx and his experience in writing publications, xxx will of course remain engaged in the content of the project as scientific project leader, and in the supervision of PhD-candidates". As a next fact to support his complaint about being marginalised, the complainant points at a mail by defendant 1 (of xxx) in which he states: "As project leader, xxx carries full responsibility for the successful execution of the xxx project including your contribution that is limited to science. Everyone should respect this."

- That complaint no. 8 is closely related to the issue of complaint no. 7, but focuses on how the decision about leadership over the project was communicated, which was perceived by the complainant as being ridiculed, and as such a violation of standards 29 (do justice to contributions) and 56 (superiors providing an open and inclusive culture) and 58 (inappropriate delay/hinderance).
- That the complainant takes issue particularly with how defendant 1 communicated in his mail of xxx to defendant 2 and xxx, two colleagues in the xxx project, about the change in leadership. In this mail he wrote: "In the past months, with respect to leadership xxx developed himself from 'unconsciously incompetent' to 'consciously incompetent'. Thus insufficient progress has been made and this has meanwhile resulted in various misunderstandings. Further improvement will take time." According to defendant 1, he wanted to indicate that there was improvement, but not sufficient yet. xxx reacted positively (mail of xxx) to this mail message and also confirmed that sharing this agreement with the direct colleagues would be appropriate. Initially, the complainant implicitly responded positively (mail of xxx) acknowledging that he would update the project structure in accordingly. In his communication to xxx-project colleagues beyond defendant 2 and xxx, defendant 1 gave reasons for improving the project's leadership but did not refer to incompetence on the side of the complainant. During the hearing defendant 1 emphasized that he respects the complainant for his scientific competence but does meanwhile take issue with the fact that the complainant keeps suggesting that he, defendant 1, suggests to others that he finds the complainant incompetent, which he vehemently denies. Both parties do clearly not agree on this matter.
- That both parties also strongly disagree about the exact wording and intended meaning of the oral statement of defendant 1, during a meeting with xxx-project colleagues, on xxx, about an mail message sent out by the complainant (on xxx) concerning PhD supervision. Because, according to defendant 1, this mail caused something of a stir between colleagues, he addressed the matter during this meeting and chose to defuse possible tensions about the content of the message by using a proverb in saying that, as defendant 1 put it in the CWI hearing, "xxx heeft een bommetje op tafel gelegd". According to the complainant the exact wording was: "xxx put a small bomb for us on the table". Defendant 1 does not dispute that in the relevant meeting he may have phrased the expression in English. The complainant disputes defendant 1's viewpoint on how the statement was meant as adding some humour to the matter. The complainant experienced the statement as a complete humiliation and going against the recent (xxx) advice by the company doctor to defendant 1 and himself, to mutually treat each other with respect. Defendant 1 strongly rejects the complainant's interpretation of the statement he made, as this was not at all what he intended to communicate. He also rejects the accusation that in a conversation between him and the complainant he allegedly compared the latter with "terrorists who purposively want to harm others".
- That complaint no. 9 relates to how defendant 1 allegedly, and in violation of standards 29 (do justice to contributions) and 58 (inappropriate delay/hinderance), excluded the complainant from the xxx initiative (xxx), such as to a series of workshops, despite the complainant voicing his interest in this and despite the fact that defendant 1 allegedly knew full-well that the complainant was an experienced researcher on some of the subjects included in the workshops and could have provided relevant contribution to them. The complainant states that even afterwards, when upon his request, defendant 1 sent some information, he was inexplicably selective in what he sent, suggesting to have left out what mattered most to the complainant. The complainant also accuses defendant 1 of excluding him from the creation of the xxx (xxx). Defendant 1 emphasized that he had no specific responsibility in respect of the xxx initiative, nor was he involved in the creation of xxx. The workshops were organised as UT-wide activity, by the xxx programme manager, xxx. As far as defendant 1 can tell, nowhere has the complainant been consciously excluded, and he had proper opportunities to engage himself. It is unclear to defendant 1 why he is accused of not being cooperative, when he provided his notes and the

complainant could easily have approached the organisers to get hold of other information, such as the slides.

All of the above considerations lead the CWI to **conclude**:

- That on the matter of the alleged infringement of standard 29 (do justice to contributions) and standard 56 (superiors providing an open and inclusive culture) as related to complaint no. 7, the CWI is not convinced by the complainant's assertion. Clearly, the decision that was taken was unfavourable to the complainant, but he did communicate his understanding and acceptance of it. The CWI finds that given the arguments presented there are no reasons to conclude that defendant 1 transgressed his competences taking the litigious decision. As to how the change was communicated by defendant 1 in subsequent messages to external stakeholders and to the complainant, the CWI concludes as follows. Indeed, both messages add the element of generic project leadership ("xxx") and of full responsibility for project success ("xxx"), suggesting a broadening of defendant 2's responsibility (and competence to act). At the same time, both messages also explicitly mention that the complainant retains his scientific responsibility. As such, the CWI finds that the communication still recognises the complainant's responsibility and scientific stature; in keeping with the leadership decision. Consequently, the CWI sees no violation of standards 29 and 56. The fact that both messages emphasize the generic/full responsibility of defendant 2 does not detract from the scientific position of the complainant, nor is this necessarily to his detriment, as also speaks from how it is said in the message to the stakeholders, that it is self-evident ("vanzelfsprekend") that the complainant remains scientific leader. The choice of words regarding defendant 2's role rather seems to underscore the encompassing nature of his operational responsibility, both to external stakeholders, who generally need to know who is in the lead and should be contacted in case of problems, and to colleagues in the xxx project, given the internal confusion about responsibilities following the complainant's mail of xxx concerning PhD supervision (as also referred to in the above considerations on complaint no. 8).
- That on the matter of the alleged infringement of standard 29 (do justice to contributions), standard 56 (superiors providing an open and inclusive culture) and standard 58 (inappropriate delay/hinderance) as related to complaint no. 8, the CWI finds that, unfortunately, the communication between defendant 1 and the complainant again comes across as far from optimal, but that the facts of the matter, in as much as could be ascertained, do not support the conclusion that defendant 1's role in this amounts to a violation of the said standards. On the matter of the communication with defendant 2 and xxx, the CWI understands the openness about the complainant's progress on leadership skills as functional to defendant 1's management tasks, given their (future) involvement in the project management, and also finds that to attach a pejorative meaning to his openness in this closed setting does not of itself follow from the given choice of words – as is also implicit in the response by xxx, which speaks of a respectful formulation. The broader communication about the leadership change does not speak of incompetence and, to the opinion of the Committee, there are no other indications that defendant 1 repeatedly speaks to others of the complainant's incompetence.
With respect to the issue of defendant 1's use of words during a meeting on xxx, about 'placing a bomb on the table', the CWI finds that while the choice of words shows a serious lack of intercultural sensitivity on the side of defendant 1, at the same time the complainant seems oversensitive in assuming that defendant 1 was in fact accusing him of intercollegiate harmful conduct - as if acting as a terrorist. Both parties would probably do well to think more actively about the possibility that since the English language is not their native language, miscommunication and misinterpretation can easily arise.
Also considering the serious nature of the accusation, which has been strongly contradicted by defendant 1, the CWI finds that there are no convincing reasons to assume that the complainant's interpretation, of there being ill-intent, is correct. The same applies to the allegation that in a later conversation defendant 1 compared the complainant with terrorists.
- That on the matter of the alleged infringement of standard 29 (do justice to contributions) and standard 58 (inappropriate delay/hinderance) as related to complaint no. 9, the CWI finds no grounds to suggest that with respect to the complainant not being included in xxx and xxx activities, defendant 1 violated these standards. There are no counter-indications to defendant 1's statement that he held no responsibilities in these initiatives and that workshop activities were communicated UT-wide, nor to the complainant's ability to self-engage in these activities and also to ask information about them from the organisers, after the events.

In all, 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. Complaints regarding treatment of the complainant and manners in the workplace

This cluster comprises the following complaints:

(3) - *“Defendant 1 did not refrain Defendant 2 from discriminating against xxx [nationality] candidates.”*

Relevant scientific integrity standards: 56, 57, 58 and 59

(13) - *“Defendant 2 refrains an open and inclusive culture in all phases of research.”* Relevant scientific integrity standards: 29, 56, 57 and 58

(5) - *“Defendant 1 hinders my research in all phases by not respecting the confidentiality that he must consider.”* Relevant scientific integrity standards: 29, 56 and 58

The relevant standards read as follows:

- 29. *Do justice to everyone who contributed to the research and to obtaining and/or processing the data.*
- 56. *As a supervisor, principal investigator, research director or manager, provide for an open and inclusive culture in all phases of research.*
- 57. *As a supervisor, principal investigator, research director or manager, refrain from any action which might encourage a researcher to disregard any of the standards in this chapter.*
- 58. *Do not delay or hinder the work of other researchers in an inappropriate manner.*
- 59. *Call attention to other researchers' non-compliance with the standards as well as inadequate institutional responses to non-compliance, if there is sufficient reason for doing so.*

The CWI considers:

- That it should refrain from an assessment on these complaints, given firstly, that the argumentation behind these complaints relies entirely on a judgement about proper employer-employee relations and ethical behaviour in the workplace, specific to the aspect of non-discrimination (complaints 3 and 13) and to confidentiality (complaint 5). Secondly, while it understands how the complainant sees a relationship with scientific integrity, the complaint relies entirely on the allegation that defendant 2 discriminated against xxx [nationality] researchers, or even xxx's [nationality] in general. The following complaints were excluded from the discussion during the hearing, since, without prejudging the complaints, these complaints are not for the CWI to advice upon.
- That regarding the complaints about discrimination (nos. 3 and 13), parties strongly disagree about the actual statement made, particularly on whether criticism was uttered about particular applicants or (former) colleagues who respectively withdrew their application at a very late stage or left their job at the xxx department quite soon after having accepted, and which happened to be of xxx nationality, or if the statements were about xxx's [nationality] in general. They equally disagree about the intent behind the utterances made, particularly on whether naming the xxx nationality was merely a matter of specifying whom the statements were about or, oppositely, being an insult to the xxx nation and its nationals. The CWI decided against the suggestion made by the complainant to question the statement by defendant 1 that others present during the meeting where the litigious utterances were made had not perceived these as discriminatory, i.e., by asking/interviewing these others. Further factfinding was, in the opinion of the CWI, unlikely to conclusively resolve the issue, on facts and certainly on intent, so would effectively be without merit, when it comes to deciding on scientific integrity part of the matters. The CWI is of the opinion that complaints about discrimination are not for the CWI to pass judgement on and if the complainant would want to take the matter raised about discrimination further, it is best addressed in a UT-procedure designated for these matters, regarding enforcement of the Code of conduct for (un)acceptable behaviour' (vide, Gedragcodes | Organisatie UT).
- That regarding the complaint about confidentiality (no. 13), the CWI should direct the complainant to a similar procedure, regarding the Code of conduct for personal relations in the workplace (vide: previous link). From the position of scientific integrity, the CWI is of the opinion that in projects such as xxx it follows from the responsibility of the kind of position that defendant 1 is in, that he regularly checks if

project leaders are up to their tasks, and also that when in doubt, he may confidentially share the grounds of his doubts with those who are close to leading his unit of organisation and/or the project's and who's opinions he values – on a need to know basis. It is the perception of the CWI that defendant 1 offered a credible line of reasoning behind why he shared the litigious information with a few close and senior project colleagues.

In all, 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.

6 Conclusion and advice of the Committee

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.

7 Intended and final decision of the Executive Board

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.