

Casus Wetenschappelijke Integriteit

2021

False claims about research and expertise – unfounded

Technische Universiteit Delft

1. Subject of the complaint: (unfounded)

False claims about research done by the researcher or his group at TU Delft and about his expertise, thus violation of standards 53 (honest communication) and 23 (honest conduct) of the Netherlands Code of Conduct for Research Integrity (2018; hereafter Code)

2. Facts, overview of procedure

- 2.1 On 21 March 2021 a complaint of an alleged violation of scientific integrity was received from a group of academic staff members of the faculty A with e-mail address
- 2.2 On 13 April 2021, the Executive Board (EB) has requested the Research Integrity Committee (RIC) to deal with this anonymous complaint, in view of Article 2.4 of the TU Delft Regulation on Complaints about Research Integrity 2020 (Complaints Regulation).
- 2.3 On 11 May 2021, on the basis of the instruction of the EB, the RIC asked the complainants to provide further details on the degree of anonymity for this complaint. The complainants indicated on 24 May 2021 that they wished to remain completely anonymous. They believe that adequate investigations can be carried out by the RIC.
- 2.4 Invited to do so, the accused has submitted his statement of defense on 1 July 2021.
- 2.5 Complainants have responded to the statement of defense on 3 August 2021.
- 2.6 On 8 September 8 2021, the accused has been heard (online with Teams), assisted by Mr., Attorney at law.

3. Complaint

In short the complaint involves the following (e-mail 21 March 2021 with supplement 24 May 2021).

- 3.1 Recently, a consortium led by accused received an important grant, for the project X. This success was widely publicized by accused on the TU Delft website, on LinkedIn and with a public YouTube video.
- 3.2 "In this YouTube video, accused makes claims about his research at TU Delft that are absolutely false, presenting research activities that have never been carried out by him or his group and making them appear as ongoing activities." (quote from e-mail 21 March 2021). Accused falsely claims that he and his research group are currently developing or working on (...) technology, and that this technology is implemented or demonstrated in their product Y.
- 3.3 Complainants refer to "Netherlands Code of Conduct for Research Integrity" (2018; hereafter Code), and state that the accused has violated the principle 'honesty' and the standards 53 (about honest communication) and 23 (about honest conduct). Because "He has posted and advertised a video in which he pretends to carry out research that he is not carrying out, pretends to have expertise that he does not have, and makes statements that are clearly unfounded."
- 3.4 Complainants also point out more generally the situation concerned with academic integrity in the B department of faculty A, of which the accused is (was) department head. This worrying situation was confirmed by TU Delft's Medmon. For example the accused incites the members of his research group to exaggerate in presenting their results, telling them that this is important to attract more interest and more funding.
- 3.5 Complainants want to stay anonymous for two reasons:
 - 1) The accused has shown in the past that he has difficulties to handle critical feedback, and he often reacted with a vindictive spirit to this type of criticism. So they fear for their future in the institution.

2) They don't see any added value for the investigation by the RIC to know the names of the complainants. They think that the claims can be fully ascertained by the RIC, and that the accused can fully defend himself. Also the RIC can talk to the other consortium members or interested employees of department B (4 persons are mentioned).

4. Defense (1 July 2021)

- 4.1 Project X was granted, under conditions, in March 2021 for a 5 year period. It is a consortium comprising 5 universities, 2 Knowledge Institutes and 14 companies. Accused is program leader of X, representing the entire program. The video was made on request of grantor, not on his request. Thus, grantor is the customer of the video.
- 4.2 The complaint is centered around statements that the accused made in the video entitled "X (YouTube link). He provides a transcript of the spoken words in this video in an attachment.
- 4.3 In the statements in the video the accused obviously and explicitly refers to the entire consortium working on the technology, and not – as the core of the complaint does - to TU Delft or himself. However, the latter is evident from several facts, such as showing the YouTube Channel of grantor; showing the grantors logo in the video and the logos of all consortium members and the Ministry. He uses the words "we" and "our" thus referring to the consortium. Contrary to what the complainants claim, he never says that he and his research group are working on this technology in TU Delft, and that this technology is implemented or demonstrated in their products Y; and he never mentioned in the video the word "Y", nor did he mention "TU Delft Y" or said that this technology will be implemented or demonstrated on TU Delft Y's. Thus, neither literally nor in the full context are the accusations correct.
- 4.4 As for the general part of the complaint: the accused doesn't recognize himself in the characterization of the complaint: the statements and formulations are very strong (e.g. "vindictive", "liar", "shameless (sic!) lie in the public"). He finds these statements and formulations unjustified and unfair. No specific proof of those accusations is provided in the complaint.
- 4.5 The complainer uses the Medmon results on academic integrity to support the complaint. On p. (...) of the associated report, the results for the entire Department B show a high value of ..% for "academically insincere conduct (e.g. plagiarism or fraud)". This result, and possible conclusions to draw from it, has been discussed on various levels. However, this result may have a variety of very different origins and explanations and linking it, as the complaint suggests, to the scientific integrity of the accused is unfounded and should be rejected.
- 4.6 The fact that the complaint is anonymous is truly disappointing. This may hinder the level of investigations since the context of the complaint is missing.
- 4.7 The accused considers the video neither to be a lecture nor a scientific document that qualifies as a product of scientific research on which the Code of Conduct is applicable (see chapter 1).

5. Further response complainants (4 August 2021)

- 5.1 The responsibility for the video, in which he is the only person speaking, stays with accused and not, as he tries to implicitly convey in the written response, with grantor, the company "...." or the Communication department of the faculty, who advised him on the technical production of the video.
- 5.2 The transcript confirms that he claims that the research is done by him (and colleagues) and that the technology and Y's are developed in TU Delft, as he is discussing this with TU-colleagues. Videos of Y's are shown, with a clear label telling that they are TU Delft Y's. In the whole video, no mention is made instead that some of the clips have been provided by (university) or refer to their work.
- 5.3 So the core point of the complaint is: at the time when the video has been recorded, was accused or anybody else in his section developing the (X) technologies? The RIC could very easily ascertain that the answer to this question is "no".
- 5.4 The general remarks (ad 3.5) confirm that accused has difficulties to accept critical feedback and to deal with it.
- 5.5 (Ad 3.7) The accused wrongly says that the YouTube video on the X proposal is not "a lecture or a scientific document" and thus, the Code is not applicable to that video.

6. Hearing (8 September 2021)

The hearing was recorded solely to assist in the preparation of this report. In short and in a concise manner the following has been discussed.

6.1 (About the video)

The accused confirms once more that he represented the consortium: he was speaking on behalf of all the institutions, mentioned in the video. You can see all the logos of the institutions involved. The text had been prepared with Communication TU Delft, but the video was produced by grantor. Within the TU Delft 4 faculties are involved: 1, 2, 3 and A.

For practical reasons (because it was close by) the video was recorded at the TU Lab, so a lot of images are from TU Delft. But other images of other institutions were added by the grantor.

The RIC asks if TU Delft actually produces Y's. Accused explains that there are different types of Y's (e.g. for, for ...) and they are not all made at Delft. But TU Delft really has some own Y's (...), which are shown in the video. When he is talking about (.....) in which "we" work on this technology, he means that the consortium as a whole is working on (developing) the technology in the different (.....), not only the TU Delft (.....) shown in the video.

It has come to the attention of the RIC that there is also a longer version of the video on YouTube. The longer version says more about Y's. Can the accused explain this?

Accused explains that it was apparently the decision of grantor to have 2 versions. But the word 'Y was not purposely hidden or mentioned less in the shorter version. Still, the showing of the Y in the longer version is actually the Y that is developed in Delft. The complaint only referred to the shorter version, so in the defense accused only reacted on the shorter version of the video.

6.2 (General aspects)

Accused points out emphatically that he always wants to learn from his experiences and also from this case by the RIC, but he is very sad about the accusation and the tone used.

The Medmon 2020 was very general about integrity. The question posed was 'have you experienced research misconduct?' This could also mean fraud by a student. The ..% 'yes' answer means for his small section only 4 people involved, so further investigation would infringe with privacy. Nevertheless the issue for the faculty and his section was discussed by the Dean and HR. And efforts are made to solve the (supposed) problems.

He sees no relation with this case.

Mr. (Attorney) adds that this case looks more like a labor dispute, in which case the complaint is inadmissible (art. 4.5.e. sub IV Regulation on Complaints).

He further points out that the anonymity of the complaint / complainants results in an even more ill-grounded accusation.

Accused finally says that in principle he feels responsible for his actions, but that in this case the accusations make him feel very sad. He doesn't recognize himself at all in the accusation that he makes false statements.

7. Assessment, advice RIC (25 November 2021)

7.1 (Procedural)

Both parties have indicated that they prefer to communicate in English. Therefore this advice is written in English.

The RIC considered the information in the hearing to be sufficient; no other information is necessary from the persons mentioned by the complainants, or from the complainants.

7.2 (Regulation)

This complaint was submitted on the basis of the TU Delft Regulation on Complaints about Research Integrity 2020 (Complaints Regulation).

The CWI is authorized to deal with complaints concerning suspected infringements of academic integrity, in accordance with the complaints procedure regulated in the Complaints Regulation.

On 1 October 2018 the Netherlands Code of Conduct for Research Integrity (Code) came into effect for research started after 1 October 2018 or research activities started as part of previously started research. The Code 2018 applies on this case.

Article 2.4 Complaints Regulation reads:

An anonymous complaint will be considered only if the Executive Board of the institution sees good reason to do so because it believes that:

- a. compelling public interests, or compelling interests of the institution or parties involved, are at stake and
- b. the factual basis for the complaint can be investigated without input from the complainant.

Based on the assessment of the EB and the answer of complainants on 24 May 2021, the RIC has continued to deal with this case as an anonymous complaint.

7.3 (Admissibility)

The RIC doesn't agree with the accused (3.7) to consider the video neither to be a lecture nor a scientific document that qualifies as a product of scientific research on which the Code is applicable. It falls within the (broad) scope of the Code as described in section 1.1 (see highlighted text):

2. 'Research' refers to all activities connected to the practice of research – applying for funding, designing and conducting research, engaging in assessment and peer review, serving as an expert and documenting, reporting and publicizing research.

3. The principles and standards of this Code also apply to popular scientific publications, teaching materials and advice provided by researchers, insofar as this can reasonably be required.

So the complaint is admissible for the part concerning the video.

For the more general remarks by complainants concerning the situation in the B department of the A faculty and the conclusions in the "Medewerkers Monitor 2020" (Medmon), the complaint is not admissible, also because it is not related to the accused; even more the RIC has no authority to investigate a general situation within a department or section of a faculty. It is the authority of the Dean to deal with unsatisfied employees. The RIC considers excessively that the Dean has actually dealt in a proper way with the conclusions of the Medmon.

7.4 (Content)

The RIC has studied the video and the transcript.

In the hearing the statements in the defense of the accused were confirmed, to satisfaction of the RIC:

- It is obvious that accused presented the video on behalf of the consortium. The words used and the logos shown are a constant reminder of this and confirm this. For practical reasons the video was filmed at the campus and (...) of TU Delft, but that doesn't suggest that all the research is done at TU Delft.
- TU Delft actually does research in the X area, albeit regarding only small sub-components, as do the partners. Y's are made and used in Delft, but need further development.
- The reply of accused on the questions posed about the two versions of the video is consistent and plausible. The TU Delft has Y's and one of them was showed, but other partners also make Y's. In the shorter version of the video the Y's were mentioned less, but this was not done intentionally.

So there is no indication at all for the allegations of complainants that false statements were (deliberately) made in the video by the accused, nor that the accused wanted to suggest that he was speaking exclusively about himself or on behalf of TU Delft (faculty, department, section).

7.5 (Conclusion)

The RIC concludes that the complaint is unfounded.

The RIC considers excessively that the Dean has actually dealt in a proper way with the conclusions of the 'Medmon'.

The committee advises the Executive Board to decide the complaint be declared unfounded.

8. Judgement Executive Board (3 December 2021)

Based on the advice of the Committee, including the reasons stated in the advice the Executive Board of TU Delft has decided that the complaint is unfounded.

Regarding the more general remarks concerning the "Medewerkers Monitor 2020" (Medmon), the Executive Board agrees with the RIC that this part of the complaint is inadmissible and in addition, that the RIC has no authority to investigate this complaint because it is not related to the accused and it has no authority to investigate a general situation within a department or section of a faculty. It is the exclusive authority of the Dean to deal with unsatisfied employees.

The Executive Board also agrees with the consideration 'for the sake of completeness' of the RIC and concludes, that the Dean has dealt in a proper way with the conclusions of the 'Medmon'.

Since no complaint was submitted to the National Board for Research Integrity (LOWI) within the period of six weeks, the initial judgement of the Executive Board of 3 December 2021 is final.