

DECISION

By email of 21 September 2017, the practice committee at the *Research Institution* (hereinafter the Research Institution) forwarded a complaint to the Danish Committee on Research Misconduct (hereinafter the Committee) filed by *lawyer* representing the *Complainant* (hereinafter the Complainant) concerning *Defendant 1* and *Defendant 2* (hereinafter the Defendants), alleging that the Defendants have committed research misconduct.

The Complainant alleges that the Defendants have plagiarised in their products

Book A,
and
Article A,

by wrongful appropriation of results and text without due credit, from

the Complainant's product.

The Defendants contend that the complaint should be rejected and argue that the complaint concerns products that, in view of their nature, are not scientific products.

The Committee's findings

At its meeting on 28 February 2019, the Committee decided to reject further examination of the case as it is not covered by the Committee's authority.

The decision was made unanimously by High Court Judge, Professor Jens Hartig Danielsen, LLD, (Chair); Professor Hanne Andersen, PhD; Professor Dorte Hammershøi, PhD; Professor Jørn Hounsgaard, MD; Professor Anne-Mette Hvas, PhD; Professor Helle Bødker Madsen, LLD; Director of Research Ole Kirk, PhD; and Senior Adviser Anders Smith, PhD.

The Committee's grounds for the decision are given below.

The Danish Committee on Research Misconduct

8 March 2019

The Danish Committee on Research Misconduct can be reached via:

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The complaint on research misconduct and the Defendant's comments

In support of his complaint, the Complainant argues that the Defendants' Book A and Article A should be considered scientific products, which is covered by the Committee's authority. The Defendants marketed Book A at conferences as being based on a three-year research project and submitted Book A and Article A as being within their research areas for their employment at a Danish research institution. The Complainant further argues that the Complainant's product has been used practically as a template for Book A, and that several passages of text in Book A have been lifted from the Complainant's product and rephrased without providing proper references or due credit. Readers are thus misled into believing that the paraphrased passages of text in Book A originate from the Defendants' research, while they are in actual fact examples of plagiarism of the Complainant's product. The Defendants have also copied the structure and organisation of the Complainant's product. In support of this, the Complainant refers to an expert opinion made in connection with an extrajudicial expert survey by the Danish Maritime and Commercial High Court. Concerning Article A, the Complainant argues that the Defendants hide the extent to which their work contains paraphrased passages of text from the Complainant's product.

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The Defendants contend that Book A is a popular science book aimed explicitly at practitioners and others, and that it does not meet the common requirements, i.e. peer review etc., necessary to be considered a research publication. The book's preface states that the book is dedicated to Danish public managers, and this disqualifies it as research. The Defendants further argue that Book A is not included in the Defendants' PhD projects. Finally, the Defendants argue that Article A is not a research publication because it has not been submitted for peer review and has not been published in an "approved journal".

Legal basis

This case has been processed under act no. 383 of 26 April 2017 on research misconduct, etc. (hereinafter the Act).

The Committee's authority is described in section 4(1):

The Danish Committee on Research Misconduct shall process cases concerning research misconduct in scientific products.

It appears from the notes to section 4(1), cf. bill no. L 117 of 25 January 2017 (hereinafter the Notes), that:

With the provision in (1), it is proposed to establish that the Committee on Research Misconduct processes cases of concerning research misconduct in scientific products. Research misconduct and scientific product are defined in section 3(1)(i) and (vi) of the Act. The purpose of the provision is to clarify that the Committee only has authority to process cases concerning research misconduct, and that the matters reviewed must be connected to scientific reporting, i.e. have occurred in a scientific product.

The definition of a scientific product appears from section 3(1)(vi) of the Act:

Scientific product shall mean: A product generated by means of scientific methods applied in research, including applications for research funding.

The following appears from the Notes to section 3(1)(vi) of the Act on the assessment of what constitutes a scientific product:

The proposed definition is based on DSCD's practices in this area, where a scientific product is characterised by its having been produced in the course of research employing scientific methods, in contrast to, e.g., popular science publications that do not adhere to scientific approaches to the same extent. The assessment of whether a product meets the definition of scientific product rests on an assessment of the scientific character of the product's contents, with scientific articles, PhD theses and the like being paradigmatic examples of products that fit this definition. One part of the assessment of whether a given product meets the definition of a scientific product for the purpose of the act is thus whether the product has been submitted for, or is intended for submission for, peer review.

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The committee's option of rejecting further examination of a case is set out in section 13(1) of the Act:

*The Danish Committee on Research Misconduct may reject further examination of cases under the following circumstances:
1) The case is not covered by the Committee's authority.*

The Committee's assessment of the case

Book A is part of a *Book Series* from the *Publisher*. The inside of the book's dust cover states that the book series intends to "inspire better practice in management and organisation for leaders on the levels of both governance and administration". The book's back cover states that "The book is addressed to managers on all levels in the public sector, as well as HR managers and HR employees, organisation consultants and management researchers".

Page 9, note 1, of the book's preface states that the examples listed in the books have been "constructed" for the purpose of "communicating and bringing alive" the distinctive features of public governance, thus allowing "participants and other operators interested in the theory of the Public Leadership Pipeline to acquire knowledge in the best possible way". Page 11, note 2, explains different basic ideas of Danish public governance in popular literature, and states in that context that "Our business here is to raise the issue of an overall pattern in popular, non-academic literature regarding public governance, not to criticise specific fellow authors. We have therefore chosen not to refer to specific works".

On this basis, the Committee finds Book A, which is primarily aimed at practitioners and not a scientific environment, a popular science publication with a main purpose to disseminate knowledge. The Committee therefore finds that Book A does not constitute a scientific product created through the use of scientific methods as part of research, cf. section 3(1)(vi) of the Act.

The fact that the Defendants registered Book A as a peer-reviewed research publication using the research institution's research portal in 2012, or that the Defendants on pages 11 and 267-268 refer to a research project that they were conducting at the research institution, does not, after close assessment, affect the Committee's decision.

Article A was published via an internet media outlet that purports to "disseminate new academic knowledge in an easily accessible form", where articles are approved by the media outlet's editorial team prior to publication. The article's lead-in states that it is an introduction to Public Leadership Pipeline theory.

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On this basis, the Committee finds that Article A does not constitute a scientific product created through the use of scientific methods as part of research, cf. section 3(1)(vi) of the Act.

As neither Book A nor Article A constitute scientific products created through the use of scientific methods in the course of research, the case is not covered by the Committee's authority. The Committee therefore rejects further examination of the case, cf. section 13(1) of the Act.

Appeals procedure

This decision is final and cannot be brought before another administrative authority, cf. section 18 of the Act.

The Committee regrets the case processing time, which is mainly due to technical issues arising in connection with the transition from the Danish Committees on Scientific Dishonesty to the Danish Committee on Research Misconduct as well as a large replacement of staff in the secretariat.

Signature

Jens Hartig Danielsen

Chair of the Danish Committee on Research Misconduct