D E C I S I O N

The Danish Committee on Research Misconduct

14 March 2019

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CVR no. 1991 8440

Case number
2018-08

Ref. no.
18/020682-08

By letter of 5 April 2018 to the Danish Committee on Research Misconduct (hereinafter the Committee), the practice committee at the university (hereinafter the Research Institution) forwarded a complaint filed by the complainant (hereinafter the Complainant) regarding Defendant 1, Defendant 2, and Defendant 3 (hereinafter the Defendants), wherein the Complainant alleges that the Defendants have plagiarised and thereby committed research misconduct.

The Complainant alleges that the Defendants 1 and 2 have plagiarised in their

product *Paper*,

in three instances by wrongfully appropriating text, etc. without giving due

credit to *Source 1*,

And in one instance by wrongfully appropriating text, etc. without giving due

credit to *Source 2*.

Furthermore, the Complainant contends that Defendant 3, as the editor alongside the other defendants of the anthology in which the product is included, is responsible for the quality of the product.

In summary, the Complainant contends that the Defendants' product has a total of 21 instances of "problematic scientific practice", including the four instances of plagiarism mentioned above, as well as 14 instances characterised by the Complainant as "misrepresentation".

The Complainant has stated that the majority of the 21 instances have been discovered during the Complainant's work on his PhD thesis.

This complaint is one of five complaints in total submitted by the Complainant. The complaints involve a total of ten people and six different products, all related to the reform of primary and lower secondary education in Denmark. In some of the complaints, the Complainant refers to appendices included with the other complaints.

The Committee's findings

At its meeting on 28 February 2019, the Committee decided that the Defendants have not committed research misconduct.

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 Klemens Kappel, PhD; Director of Research Ole Kirk, PhD; Professor Helle Bødker Madsen, LLD; and Senior Advisor Anders Smith, PhD.

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

The Complaint of research misconduct

In support of the complaint regarding instances 14, 16 and 17, the Complainant argues that the Defendants plagiarised in the scientific product from source 1 as well as the writing guidelines for the work groups that wrote *Fælles Mål* (*Common Objectives*, the national common objectives for primary and secondary lower education in Denmark).

Concerning instances 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 18, 19 and 20, the Complainant argues that the Defendants have "misrepresented" sources in the scientific product.

In addition, concerning instances 4 and 8, the Complainant argues that the Defendants have self-plagiarised in the scientific product by using text from Defendant 1 and 2's paper [name of paper].

The Complainant argues regarding instance 13 that the Defendants have made an unsubstantiated claim in the scientific product, and regarding instance 15 the Complainant argues that there is no basis for the relevant claim and premise in the source named in the scientific product.

Furthermore, regarding instance 16, the Complainant argues that the Defendants have incorrectly attributed a source in the scientific product, and regarding instance 21 the Complainant argues that the claims are unsubstantiated.

Legal basis

The 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.*

Research misconduct is defined in section 3(1)(i) of the Act:

Research misconduct shall mean: Fabrication, falsification and plagiarism committed wilfully or with gross negligence when planning, performing or reporting on research.

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 definition suggested closely follows DCRM's practice in the field, in which a scientific product is characterised by being produced in the course of research work by using scientific methods in contrast to e.g. publications of a more popular nature, which do not have a similar scientific approach. The assessment of whether a product can be deemed a scientific product depends on a content-related assessment of the product's scientific character in which scientific articles, PhD theses and the like are the core area for this definition. One element in the assessment of whether the product is a scientific product within the meaning of the act will therefore often be whether the product in question is submitted for, or is intended to be submitted for, peer review.

Plagiarism is defined in section 3(1)(iv) of the Act:

Plagiarism shall mean: Appropriation of other people's ideas, processes, results, texts or specific concepts without giving due credit.

It appears from the general notes on the Act, section 3.4.3.1, cf. bill no. L 117 of 25 January 2017 (hereinafter the Notes) that

self-plagiarism, i.e. the reuse of previously used subject matter without due credit, is not considered research misconduct.

According to section 3(2)(i) of the Act, research misconduct does not include

cases of fabrication, falsification and plagiarism which have only had minor importance when planning, performing or reporting on the research

It appears from the Notes to the Act's section 3(2)(i) that

Pursuant to (i) of the provision, it is suggested that research misconduct shall not include cases of fabrication, falsification and plagiarism which have only had minor importance when planning, performing or reporting on the research. This suggestion thus maintains the triviality

limit in relation to research misconduct within the applicable law's definition of research misconduct, pursuant to which only serious breaches of good scientific practice are included in the definition, and in the applicable executive order on the DCRM, pursuant to which the DCRM may shelve cases in which the noted research misconduct has only had little importance to the scientific message in the product. Cases of little importance are expected to comprise e.g. plagiarism of insignificant passages in method sections and similar and entirely peripheral fabrications or falsification of a small extent, which has no effect on the research carried out. Depending on circumstances, such cases may be considered by the relevant research institution as questionable research practice, cf. section 3(1)(v) and section 19 of the act.

According to section 3(2)(ii) of the Act, research misconduct does not include

matters relating to the validity of scientific theories.

It appears from the Notes to section 3(2)(ii) of the Act that

Pursuant to (ii) of the provision, it is proposed that research misconduct shall not include cases on the validity of scientific theories. It is essentially a continuation of the applicable law but with a linguistic modification to let the applicable law's reference to the truth of scientific theories be removed, since references to the validity, rather than the truth, of scientific theories is more accurate in a research context. The intention of the provision is to determine that disagreements about the research conclusions or the methodology applied, etc., shall not be considered research misconduct. The intention behind the bill is that the Committee on Research Misconduct shall not address whether any proposed theories or results in the scientific product pertaining to the case are correct from a research-discipline specific and scientific perspective, but rather to assess whether the research was produced through fabrication, falsification or plagiarism. The research-discipline specific and scientific evaluation of a scientific product shall continue to be conducted through peer review, etc.

According to section 3(2)(iii) of the Act, research misconduct does not include

matters relating to the research quality of a scientific product.

It appears from the Notes to section 3(2)(iii) of the Act that

Pursuant to (iii) of the provision, it is proposed that research misconduct shall not include cases concerning the research quality of a scientific product. It is a continuation of the applicable law pursuant to which research misconduct does not address the research quality of the scientific product concerned. Accordingly, the Danish Committee on Research Misconduct will continue to refrain from conducting any quality assessment of the scientific product concerned.

Under section 3(1)(v) of the Act, the meaning of questionable research practice in the Act is:

> *Violation of generally accepted standards for responsible research practices, including the standards in The Danish Code of Conduct for Research Integrity and other applicable institutional, national and international practices and guidelines for research integrity.*

The Committee's option of forwarding to the relevant research institution such cases that concern issues on possible questionable scientific practice appears from section 17 of the Act:

> *In the event that the Danish Committee on Research Misconduct assesses that a case may involve issues concerning questionable research practices not considered by the Committee to constitute research misconduct, the Committee may refer such issues to the relevant research institution for further consideration.*

The Committee's assessment of the case

The explanatory notes of the Act state that the core area for the concept of a scientific product are scientific articles, PhD theses, etc. and that one element in the assessment of whether a given product is a scientific product within the meaning of the Act will therefore often be whether the product in question was submitted for or intended for submission for peer review.

In its evaluation of whether the Defendants' product is a scientific product, the Committee has placed particular emphasis on the fact that the product is a paper in the anthology [title of anthology]. The blurb on the back of the anthology states that the authors seek to elucidate the political rationale that drives the changes in the school as a whole, and within the different subject areas. Moreover, it states that the authors list and discuss the implications that the legislation and the many new initiatives following the reform have had on the school and teaching, e.g. improved school leadership, increased inclusion, and supportive teaching. Lastly, the blurb also states that the chapters were written by leading experts within [an area of research]. The anthology lists the Defendants' academic degrees, positions, and affiliation to a research institution. There is no information about whether the product has been peer reviewed or subject to editorial review prior to publication, but the product states that the Defendants are the editors of the anthology.

On this basis, the Committee finds that the Defendants' product presents itself as a scholarly work, and that it is therefore a scientific product under section 3(1)(vi) of the Act.

It appears from instance 14 that the scientific product references the fact that the objectives have been set "at an above-average taxonomic level" and similar references are present in source 1 as well as in the writing guidelines for the work groups that wrote *Fælles Mål*. After an overall assessment of the scientific product in conjunction with source 1 and the aforementioned writing guidelines, the Committee finds that the mentioned reference without acknowledgement of the source in the scientific product is not considered appropriation of others' ideas,

processes, results, text, or specific concepts. Instance 14 is therefore found not to be a case of plagiarism, cf. section 3(1)(iv) of the Act, and is there not a case of research misconduct.

In instance 16, the phrasing is found to be similar between one sentence in the scientific product and in source 1. Furthermore, the sentence in question in the scientific product has a reference to a source that the Committee finds is a wrong reference on the basis of the information available. On this basis, the Committee finds, after a specific assessment, that it is not a case of intentional or grossly negligent appropriation of someone else's text without proper attribution. The Committee therefore finds that instance 16 does not constitute plagiarism, cf. section 3(1)(iv) of the Act, and that it therefore does not constitute research misconduct.

In instance 17, the phrasing is found to be similar between one sentence in the scientific product and two sentences in source 1. After an evaluation of the sentences' meaning in the scientific product, the Committee finds that the use of the text from source 1 without proper attribution has negligible impact on the reporting of the research that forms the basis of the scientific product. The Committee therefore finds that instance 17 does not constitute research misconduct, cf. section 3(2)(i) of the Act.

The Complainant has characterised instances 1, 2, 3, 4, 5, 6, 7, 9,10, 11, 12, 18, 19 and 20 as "misrepresentation" of sources. It appears from the particulars of the case, that these are primarily instances where the Complainant believes that the Defendants attribute other understandings or perceptions to the sources and materials than what the Complainant believes to be true. Disagreements on conclusions of the research or the methodology used, etc., are not considered research misconduct. The Committee does not address whether the proposed theories and results in the scientific product pertaining to the case are correct from a research-discipline and scientific perspective, and the Committee does not conduct quality assessments of scientific products. Instances 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 18, 19 and 20 do therefore not constitute research misconduct, cf. section 3(2)(ii) and (iii) of the Act.

According to the Complainant, instances 4 and 8 are "partial self-plagiarism". For example regarding instance 4, the Complainant argues that it is mostly a case of reuse in the scientific product from another paper written by Defendants 1 and 2. The Notes on the Act state that self-plagiarism, i.e. the reuse of own previously used subject matter without due credit is not considered research misconduct. Based on the particulars of the case, the Committee therefore finds that instances 4 and 8 do not constitute plagiarism, cf. section 3(1)(iv) of the Act, and that they therefore do not constitute research misconduct.

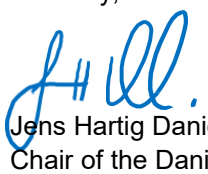
Instances 13, 15 and 21 relate to disagreement about the conclusions of the research or the methodology used, as well as disagreement about the quality of the scientific product. As mentioned above, such disagreement cannot be considered research misconduct. Instances 13, 15 and 21 therefore do not constitute research misconduct, cf. section 3(2)(ii) and (iii) of the Act.

In conclusion, the Committee consequently finds that the case does not constitute research misconduct, cf. section 16(1) of the Act.

Based on the particulars of the case, the Committee finds that the case may involve issues on questionable research practice. The Committee therefore forwards the case to the Research Institution for further consideration, cf. section 17 of the Act.

Appeals procedure

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



Jens Hartig Danielsen
Chair of the Danish Committee on Research Misconduct

The Danish Committee on Research Misconduct