D E C I S I O N

By email of 24 July 2018, the *Research Institution* (hereinafter the Research Institution) forwarded a complaint to the Danish Committee on Research Misconduct (hereinafter the Committee) filed by the *Complainant* (hereinafter the Complainant) concerning the *Defendant* (hereinafter the Defendant), alleging that the Defendant has plagiarised and thereby committed research misconduct.

The Complainant alleges that the Defendant has plagiarised in his scientific product,

Product,

by wrongfully appropriating text without due credit to

Source 4

Source 5

Source 7

Source 18

Source 19

Source 25

Source 29

and

Source 6

The Defendant contends that he has not plagiarised.

The Danish Committee on Research Misconduct

24 September 2019

The Danish Committee on Research Misconduct can be reached via:

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CVR no. 1991 8440

Case no.: 2018-15

Ref.no. 18/036406

The Committee's findings

The Committee decided that the Defendant has not committed research misconduct.

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

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

The complaint on research misconduct and the Defendant's comments

In support of his complaint, the Complainant has presented the results of the analysis of and report from the screening for text similarity in the Defendant's product that was conducted by the Complainant's text comparison committee. The analysis and report from the text comparison committee states, i.a., that the analysis was carried out using the programme, iThenticate, and that it documented substantial plagiarisation of text, largely without any references and completely devoid of any indication of citation. The comparison committee agreed that the case far exceeds any acceptable levels of plagiarism in relation to the common definition of plagiarism.

The Defendant and the Defendant's principal supervisor contend that the Complainant does not take into proper consideration the context in which the text similarities have been found. The text similarities appear on pages 10-20 in the thesis, which all describe the method *[…]*. It is an old method in a narrow field, where the methodology requires a very strict order for the method's principles, presentation, execution and analysis, most of which does not allow any artistic freedom. The Defendant's principal supervisor argues that he fails to understand any motive on the part of the Defendant for cheating in a 10 page summary of general methodology.

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.*

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 pursuant to the act is thus whether the product has been submitted for, or is intended for submission for, peer review.*

Under section 3(1)(iv) of the Act, plagiarism is defined as:

> *Appropriation of other people's ideas, processes, results, texts or specific concepts without giving due credit.*

Concerning plagiarism, the following appears from the Notes to section 3(1)(iv) of the Act:

The definition of plagiarism is expected with this act to include instances of misappropriation of research, including e.g. copying without due credit to the actual author or improper claims of contribution to the research concerned. It is expected that, in the assessment of possible plagiarism, an important parameter will be whether there has been misrepresentation of a given researcher's contribution to the scientific product. Accordingly, the concept of misconduct will be restricted to the appropriation of other people's ideas, processes, results, texts, or specific concepts without due credit. By contrast, self-plagiarism in the form of e.g. the reuse of own previously used passages and the like, will only be processed as instances of questionable research practice. Moreover, it is expected that disputes of authorship generally will be dealt with as instances of questionable research practice rather than research misconduct in the form of plagiarism.

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 definition of research misconduct in the Act, section 3.4.3.1:

The definition of research misconduct is expected with this act to comprise the most serious breaches of responsible research practice, i.e. serious cases of fabrication, falsification or plagiarism, committed wilfully or with gross negligence. As such, research misconduct constitutes a subset of breaches of responsible research practice. The intention of the act is to separate this subset for consideration in the Danish Committee on Research Misconduct, while the remaining cases of breaches of responsible research practice the be processed by the research institutions as instances of questionable research practice, cf. sections 4 and 19 of the act. The suggested definition should be viewed in the context of the suggested triviality limit of research misconduct in section 3(2)(i) of the act, cf. further on the provision below. Although it is suggested that the term 'serious breaches' be removed from the definition, the intent of the act is to ensure that only qualified and serious cases of fabrication, falsification and plagiarism are considered research misconduct.

It further appears from the Notes to the Act section 3(2)(i):

It is proposed under (i) of the provision that research misconduct shall not include cases of fabrication, falsification and plagiarism which have only had minor significance when planning, performing or reporting on the research. This suggestion thus upholds the triviality limit for research misconduct as defined by the applicable law, under which only serious breaches of good scientific practice are considered relevant,

as well as in the applicable executive order on the DSCD, under which the DSCD may dismiss cases where the noted research misconduct has had only minor significance to the product's scientific message. Cases of minor significance are expected to include e.g. plagiarism of insignificant passages in methodology sections and the like, as well as entirely peripheral fabrications or marginal falsification, which have had no effect on the conducted research. Such cases may, depending on the circumstances, be considered by the relevant research institution as questionable research practice, cf. section 3(1)(v) and section 19 of the act.

The Committee's assessment of the case

The product in question and the Committee's authority

The Complainant alleges that the Defendant in his product, a PhD thesis, submitted for assessment with the research institution, has plagiarised and thereby committed research misconduct. Pursuant to section 4(1) of the Act, the Committee thus has authority to process the case.

Presentation of the complaint

It follows from the Committee's practice that the definitions of research misconduct and plagiarism, both under the previous rules of the Danish Committees on Scientific Dishonesty as well as the rules of the new Danish Committee on Research Misconduct, require an actual unlawful appropriation of specific results etc., which can be attributed to another author without giving due credit in the later publication. It is thus necessary to be able to show that e.g. a unique research idea or text has been copied and used without due credit, in contrast to situations where researchers publish papers on the same subject through the use of general methods in the field, see most recently the Committee's decision of 7 June 2018 on case no. 2017-01.

A complaint alleging plagiarism of e.g. a text, should therefore indicate where exactly the plagiarised text is found in the scientific product, as well as indicate exactly which scientific product was plagiarised, and from where the plagiarised text was lifted in the product. If the complaint concerns several instances of plagiarism, it should include specific information about each instance.

The Committee has based its decision on 15 instances indicated by the Complainant in a table in the complaint.

General notes on plagiarism

The Committee notes that reasonable suspicion of plagiarism generally refers to instances when a text passage of a certain length is lifted from a different text, typically written by a different author, without due credit, i.e. without clear indication and source reference. Readers should be in no doubt about which text passages originate with the author and which

are quoted or paraphrased. If a verbatim reproduction has a clear source reference and is clearly indicated (e.g. in italics or quotation marks), it is not plagiarism.

Correct paraphrasing requires an author to process other authors' thoughts and ideas, expressing them in his/her own words and sentence structure, and providing source references to the work(s) in which these thoughts and ideas are described. If words and sentences have been altered only slightly, or some words exchanged with synonyms, without giving due credit (source reference), then it is considered plagiarism.

General knowledge may be described without referencing a source, and does not constitute plagiarism. General knowledge can be defined as knowledge possessed by everyone in a particular group or a regional, institutional or academic community within reason, e.g. facts about geography, history, physics, language, literature, etc. Verbatim or near-verbatim reproduction of another author's text describing background knowledge also must provide due credit to the author.

See in this context the Danish Committees on Scientific Dishonesty's decision of 2 December 2014 on case no. 13/017306-57 in its entirety.

The individual instances

In instance no. 1, the complaint alleges appropriation of 7 sentences, see the Defendant's product, page [...], and source no. 4, page [...].

Quote from the Defendant's product	Quote from source
[Text not included. (Word count: 178)].	*[Text not included. (Word count: 191)].*

This documents that the Defendant appropriated text from the specified source in the text passage cited above without due credit.

In instance no. 2, the complaint alleges appropriation of 1 sentence, see the Defendant's product, page [...], and source no. 4.

The Committee is unable to determine where the relevant sentence can be found in the Defendant's product, and is therefore unable to decide whether the Defendant has appropriated text from the source without due credit.

In instance no. 3, the complaint alleges appropriation of 13 sentences, see the Defendant's product, page [...], and source no. 4, page [...].

Quote from the Defendant's product	Quote from source
[Text not included. (Word count: 332)].	*[Text not included. (Word count: 394)].*

This documents that the Defendant appropriated text from the specified source in the text passage cited above without due credit.

In instance no. 4, the complaint alleges appropriation of 4 sentences, see the Defendant's product, page [...], and source no. 4, page [...].

Quote from the Defendant's product	Quote from source
[Text not included. (Word count: 153)].	*[Text not included. (Word count: 184)].*

This documents that the Defendant appropriated text from the specified source in the text passage cited above without due credit.

In instance no. 5, the complaint alleges appropriation of 2 sentences, see the Defendant's product, page [...], and source no. 25, page [...].

Quote from the Defendant's product	Quote from source
[Text not included. (Word count: 77)].	*[Text not included. (Word count: 54)].*

This documents that the Defendant appropriated text from the specified source in the text passage cited above without due credit.

In instance no. 6, the complaint alleges appropriation of 2 sentences, see the Defendant's product, page [...], and source no. 7, page [...].

Quote from the Defendant's product	Quote from source
[Text not included. (Word count: 37)].	*[Text not included. (Word count: 37)].*

On this basis it is documented that the Defendant with his text passage quoted above has appropriated text from the stated source without due credit.

In instance no. 7 the complaint alleges appropriation of 9 sentences, see the Defendant's product pages [...] and [...], and source no. 7, pages [...] and [...].

Quote from the Defendant's product	Quote from source
[Text not included. (Word count: 228)].	*[Text not included. (Word count: 202)].*

This documents that the Defendant appropriated text from the specified source in the text passage cited above without due credit.

In instance no. 8, the complaint alleges appropriation of 4 sentences, see the Defendant's product, page [...], and source no. 18, page [...], page [...], and page [...].

Quote from the Defendant's product	Quote from source
[Text not included. (Word count: 271)].	*[Text not included. (Word count: 106)].*

This documents that the Defendant appropriated text from the specified source in the text passage cited above without due credit.

In instance no. 9, the complaint alleges appropriation of 8 sentences, see the Defendant's product, page [...], and source no. 5, page [...], and page [...].

Quote from the Defendant's product	Quote from source
[Text not included. (Word count: 35)].	*[Text not included. (Word count: 59)].*

This documents that the Defendant appropriated text from the specified source in the text passage cited above without due credit.

In instance no. 10, the complaint alleges appropriation of 3 sentences, see the Defendant's product, page [...] and [...], and source no. 10.

The complaint does not indicate which text source no. 10 stems from. The Committee is therefore unable to determine whether the Defendant has appropriated text from the source.

In instance no. 11 the complaint alleges appropriation of 3 sentences, see the Defendant's product, page [...], and source no. 7, page [...], and page [...].

Quote from the Defendant's product	Quote from source
[Text not included. (Word count: 407)].	*[Text not included. (Word count: 48)].*

This documents that the Defendant appropriated text from the specified source in the text passage cited above without due credit.

In instances no. 12, 13 and 14, the complaint alleges appropriation of, respectively, 1, 13 and 6 sentences, and states that these appear in the Defendant's product on pages [...], [...] and [...], and that these sentences have been lifted from source no. 6.

The complaint specifies that source no. 6 is a PhD thesis [...], and that the thesis cannot be accessed via the Royal

Library or *[...]*. The thesis is not enclosed in the complaint. The Committee is therefore unable to determine whether the Defendant has appropriated text.

In instance no. 15, the complaint alleges appropriation of 3 sentences, see the Defendant's product, pages [...] and [...], and source no. 19, page [...], page [...], and page [...].

Quote from the Defendant's product	Quote from source
[Text not included. (Word count: 213)].	*[Text not included. (Word count: 196)].*

This documents that the Defendant appropriated text from the specified source in the text passage cited above without due credit.

The Committee's overall assessment

The Defendant has used text from various sources without due credit in a number of instances, see instances 1, 3-9, 11 and 15. In view of the number of instances, as well as their character and extent, the Committee finds that the Defendant has appropriated the texts without due credit. Consequently, the Defendant has plagiarised, cf. section 3(1)(iv) of the Act.

In its assessment of the significance of the plagiarism, the Committee has placed particular emphasis on the fact that the Defendant's product consists of 8 sections, with section 1, *[...]*, and section 2, *[...]*, on pages [...] to [...] in the product. These sections can be characterised as the introduction and methodology section of the product, and the plagiarism only occurs in these sections.

Committee members Jens Hartig Danielsen, Ole Kirk, Hanne Andersen, Dorte Hammershøi, Jørn Hounsgaard, Anne-Mette Hvas, Helle Bødker Madsen and Klemens Kappel state:

After close examination, we find that the instances of plagiarism, irrespective of their number, are of limited significance.

On this basis, it is our overall assessment that the plagiarism has been of little significance in the planning, implementation or reporting on the research.

Committee member Anders Smith states:

The plagiarism is of such extent, that I see it as having more than a little significance in the reporting on the research.

Decision by majority, cf. section 8 of the Act:

The decision is made in accordance with the majority's ruling, which finds that the plagiarism is of little significance in the planning, implementation or reporting on the research., cf. section 3(2)(i) of the Act.

The Committee therefore 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 instances of 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.

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.

A copy of the decision has been sent to the *research institution*.

Signature

Jens Hartig Danielsen
Chair of the Danish Committee on Research Misconduct

The Danish Committee on Research Misconduct