DECISION

The Danish Committee on Research Misconduct

11 October 2019

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CVR no. 1991 8440

Case no.: 2017-02

Ref.no. 19/12121

By email of 5 September 2017, 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 committed research misconduct.

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

Product,

by wrongfully appropriating ideas without due credit to the Complainant. The product was submitted to the funding-granting authority in December 2016.

The Committee's findings

At its meeting on 3 October 2019, the Committee decided that the Defendant has 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 Head of Programme Anders Smith, PhD.

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

The complaint of research misconduct and the Defendant's comments

In support of his complaint, the Complainant argues that the application benefited significantly from his experience and previous research in this area. The Complainant further argues that he not only contributed to the scientific ideas, but also provided proactive help, as well as persuaded other European partners to join the group in charge of the funding application. He used his personal connections to persuade and involve a key collaborative partner, *collaborative partner*, in the application group. The Complainant also argues that the application project is a

follow-up on a previous project, [...], and that the idea for the application included in the complaint was developed in collaboration between the Complainant and the Defendant. The Complainant further states that he, to his surprise, was excluded from the application group by the Defendant shortly before the application was submitted to the funding-granting authority, and that this authority later granted [...] million euros to the application project. Finally, the Complainant states that he has evidence to support his claim in the form of drafts for the research funding application and email correspondence.

The Defendant contends that it was the Defendant himself who, in December 2015, conceived the original idea for the project that was the focus for the research application. The Defendant also states that it became clear in the autumn of 2016, after discussions with potential members of the application group, that the Complainant was unable to contribute to the project due to the direction the project had taken. Therefore, the Defendant sent several emails to the Complainant to explain the situation, and finally informed the Complainant in November 2016 that he could not participate in the project, which the Complainant did not object to. The Defendant also argues that it was only the *collaborative partner* that the Complainant invited to be a member of the application group, and that the *collaborative partner* still wished to participate in the project after the Complainant' participation ceased. Finally, the Defendant has presented drafts of the research application and email correspondence in support of his argument.

Legal basis

The case has been decided pursuant to act no. 383 of 26 April 2017 on research misconduct etc. (hereinafter the Act), cf. section 27, though the definition of misconduct used in this decision corresponds to the definition applicable at the time of submission of the scientific products included in the complaint, cf. the explanatory notes on section 27(4) of the Act, cf. bill no. L 117 of 25 January 2017. 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.*

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

> *A product generated by means of scientific methods applied in research, including applications for research funding.*

It appears from the explanatory notes to section 3(1)(vi) of the Act, cf. bill no. L 117 of 25 January 2017 (explanatory notes), concerning the assessment of what constitutes a scientific product that:

> *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.*

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

> *Fabrication, falsification and plagiarism committed wilfully or with gross negligence when planning, performing or reporting on research.*

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.*

It appears from the explanatory notes on section 3(1)(iv) of the Act concerning plagiarism:

> *The definition of plagiarism is expected with this act to include instances of unlawful appropriation of research, including copying without due credit to the actual author or improper claims of contribution to the research in question. 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 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.*

It appeared from the act on research advice, etc., cf. consolidated act no. 365 of 10 April 2014, and executive order no. 306 of 20 April 2009 on the Danish Committees on Scientific Dishonesty section 2(5), that:

> *Scientific dishonesty is defined as intentional or grossly negligent conduct in the form of falsification, plagiarism, concealment or similar, which involves improper misrepresentation of one's own scientific work and/or research results. This includes the following:*
> *…*
> *(5) Plagiarism of another person's results or publications.*

The Committee's assessment of the case

The product in question is an application for research funding submitted to the funding-granting authority that subsequently provided funding to the project described in the application. On this basis, and after an assessment of the scientific character of the product, the Committee finds that the application is a scientific product under section 3(1)(vi) of the Act.

Based on the particulars of the case, including the application drafts and email correspondence presented by the Complainant and the Defendant, the Committee reasons that the idea for the project included in the final research funding application originated from the Defendant. The Committee places particular emphasis on the Defendant's email of 30 December 2015 to the management at the Department of [...], *the research institution*, in which the Defendant outlined the elements of what would later become the final project included in the application.

Based on the particulars of the case, the Committee further reasons that the work concerning the research funding application progressed along the natural course of these matters where a project can change along the way, resulting in replacement of some collaborative partners.

Therefore, the Committee therefore finds that the Defendant did not appropriate other people's ideas, processes, results, texts, or specific concepts in his research funding application without giving due credit. The fact that the Defendant[1] during his work on the application was the person who invited one of the final participants in the application project does not affect the Committee's decision.

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

Appeals procedure

This decision is final and cannot be brought before another administrative authority.

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

[1] Correction; the Complainant.