

[Defendant]

*Sent via e-Boks*

## DECISION

By letter dated 4 May 2017 to the Danish Committee on Research Misconduct (DCRM), which you delivered to the Committee's Secretariat on 5 May 2017, and subsequently sent by email to the Secretariat on 6 May 2017, you filed a complaint on research misconduct.

In your complaint you allege that the defendant (hereinafter the Defendant) has committed research misconduct by plagiarising your scientific work in the following scientific publication:

- Book A (hereinafter Book A)

You allege that the above publication plagiarises from the following of your publications:

- Book B (hereinafter Book B)
- Paper C (hereinafter Paper C)

### The Committee's findings

The Committee rejects further examination of your case as the Committee deems the case manifestly ungrounded, cf. section 4(2)(ii) of executive order no. 306 of 20 April 2009 on the Danish Committees on Scientific Dishonesty, as amended by executive order no. 144 of 20 February 2012.

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

The decision is final and cannot be appealed to another administrative authority.

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

### The complaint of research misconduct

In your complaint and subsequent correspondence with the Committee's Secretariat, you have stated that the Defendant was chair of a committee established by the university to assess a thesis manuscript that you submitted in October of 2011.

### The Danish Committee on Research Misconduct

7 June 2018

The Danish Committee on Research Misconduct can be reached via:

The Secretariat of the Danish Committee on Research Misconduct

Danish Agency for Science and Higher Education

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CVR no. 1991 8440

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You have further stated that your thesis manuscript was rejected in the summer of 2012, and that you later in the same year published the manuscript as Book B. Finally, you have stated that you have subsequently published Paper C.

The Defendant has published Book A in 2017, which according to you contains plagiarism from Book B and Paper C, as you allege that Book A's basis "– idea and project –" is clearly taken from your thesis manuscript, to which the Defendant had access when assessing the manuscript. You argue in your complaint:

[xxx]

In this connection you allege that the Defendant has plagiarised Paper C by in Book A adopting the exact same point of view and using several of the same examples. You further allege that the Defendant's text on the back of Book A supports your claim of research misconduct in the form of plagiarism as the text is a reproduction of your idea from the thesis manuscript.

The Danish Committee on  
Research Misconduct

### Legal basis

Your complaint, which as stated above was received by the Committee on 5 May 2017, is addressed to the Danish Committees on Scientific Dishonesty (DCSD). It follows from act. no. 383 of 26 April 2017 on research misconduct etc., which entered into force on 1 July 2017, cf. section 27(4), that the DCRM must process cases submitted before the act entered into force under the rules in force for the Danish Committees on Scientific Dishonesty. Therefore, your complaint must be processed under the act in force on research advice etc., cf. consolidated act no. 365 of 10 April 2014, and the DCSD executive order, cf. executive order no. 306 of 20 April 2009 on the Danish Committees on Scientific Dishonesty, as amended by executive order no. 144 of 20 February 2012.

Pursuant to section 2 in the DCSD executive order, scientific misconduct is defined as follows:

**Section 2.** *Scientific misconduct is understood to mean: Falsification, fabrication, plagiarism and other serious violations of good scientific practice committed intentionally or due to gross negligence during the planning, implementation or reporting of research results. Included hereunder are:*

- 1) *Undisclosed construction of data or substitution with fictitious data*
- 2) *Undisclosed selective or surreptitious discarding of a person's own undesired results*
- 3) *Undisclosed unusual and misleading use of statistical methods.*
  - 4) *Undisclosed biased or distorted interpretation of a person's own results and conclusions.*
- 5) *Plagiarism of another person's results or publications*
- 6) *Improper statements concerning authorship, title or workplace*
- 7) *Submission of incorrect information about scientific qualifications"*

It further appears from section 4(2)(ii) of the DCSD executive order that the Committee may reject further examination of a case if the case is deemed manifestly ungrounded. This provision is essentially incorporated in section 13(2) of the Danish act on research misconduct etc. It appears from the explanatory notes that this provision is intended for cases in which the matters raised in light of previous practice clearly cannot be considered research misconduct.

### **The Committee's assessment of your complaint**

By email of 13 October 2017 the DCRM's secretariat informed you that in the definitions of research misconduct and plagiarism, both under the old DCSD rules and the new DCRM rules, is a "demand that there must be an actual unlawful appropriation of specific results etc., which can be attributed to a previous author who is not given due credit in the later publication. It must thus be possible to specify that e.g. a unique research idea has been replicated and utilised without due credit in contrast to situations in which researchers publish papers on the same subject according to general methods in the field."

**The Danish Committee on  
Research Misconduct**

The Committee concurs that the quoted excerpt from the Secretariat's email is a correct representation of the DCSD and DCRM's practice concerning the assessment of plagiarism in specific cases.

You state in your complaint as mentioned above that this is not a "case of direct copying and if there has been just one reference to my book and paper (negative, positive, neutral), there would have been no problem at all". Particularly on this background the Committee's assessment of your complaint focuses on whether there is basis for further considering the case to determine whether Book A utilises original ideas from Book B and Paper C without due credit.

The Committee follows that the purpose of Book A is to give a coherent description of [xxx], cf. e.g. the text on the back of the book. In the Committee's assessment, [xxx] as a subject in this context is considered such a general idea that it cannot be considered plagiarism even if two books on this specific subject were published within a short time frame. As an illustration, it is not unusual for several authors to publish biographies on the same person or historical books on the same subject within a short time frame. In its assessment, the Committee has also taken into account that [xxx] as a subject has been treated several times in literature before the publication of both your Book B and Paper C as well as the Defendant's Book A.

Following this, it is the Committee's assessment that the analytical approach in Book B and Paper C is performance theory and concerns [xxx]. It is also the Committee's assessment that Book B and Paper C do not have [xxx] as a general subject, and the Committee thus finds that Book B and Paper C have a different aim than Book A.

On page [xxx] of Book A, the Defendant has a broad presentation of [xxx] functions, i.e. its role in democracy, trade, courts and processions, but also its role in [xxx] and [xxx]. It is the Committee's assessment that this is a general historical presentation, and the Committee does not find – specifically when comparing

Book A with the opening chapter of Book B – that Book A constitutes an unlawful appropriation of original ideas from Book B. The Committee notes that the Defendant in [xxx] in the book [xxx] gives a short presentation on [xxx] and in this connection starts from [xxx] (and its [xxx]).

As for Paper C, it appears from the case that Paper C and Book A both refer to the [xxx]. However, it is the Committee's assessment that this does not mean that Book A utilises text, examples or original ideas from Paper C.

Against this background it is the Committee's overall assessment that there is no basis for further considering your complaint to determine any possible plagiarism. The Committee deems the case manifestly ungrounded and therefore rejects a further examination of the case.

The Committee regrets the processing time of the case, which is due to practical difficulties in establishing the Committee, including a large replacement of staff in the Committee's secretariat.

A copy of the decision has been sent to the Defendant.

Jens Hartig Danielsen  
Chair of the Danish Committee on Research Misconduct

**The Danish Committee on  
Research Misconduct**