

[Defendant]

Sent via e-Boks

DECISION

By email of 5 December 2017, the practice committee at [university] 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).

The Complainant alleges that the Defendant has committed research misconduct by way of plagiarism in scientific publications while contributing as first author, co-author and senior author in the following publications:

- [Publication I] (hereinafter Publication I)
- [Publication II] (hereinafter Publication II)
- [Publication III] (hereinafter Publication III)

The Complainant alleges that the Defendant has plagiarised from the following publications:

- [Annex a] (hereinafter: Annex a)
- [Annex b] (hereinafter: Annex b)
- [Annex c] (hereinafter: Annex c)

The Defendant contends that he has not committed research misconduct, as he asserts that he has not plagiarised.

The Committee's findings

The Committee has divided the complaint into 3 parts:

1. Publication I compared with Annex a
2. Publication II compared with Annex b
3. Publication III compared with Annex c

At its meeting on 20 September 2018, the Committee decided that the Defendant in the matters comprised by parts 1 and 3 of the complaint has not committed research misconduct, cf. section 16(1) of act no. 383 of 26 April 2017 on research misconduct, etc. Concerning part 2 of the complaint it is assessed that the case will

The Danish Committee on Research Misconduct

12 November 2018

The Danish Committee on Research Misconduct can be reached via:

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not result in the conclusion that research misconduct has occurred, cf. the said act section 13(1)(ii), and the Committee has therefore decided to reject this part of the case.

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 Hammershøj, PhD; Professor Anne-Mette Hvas, PhD; Senior Adviser Anders Smith, PhD; and Professor Lotte Jensen, PhD in Political Science.

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

The complaint of research misconduct and the Defendant's comments

1. Publication I compared with Annex a

The Complainant argues that there is a 42% overlap between Publication I and Annex a. The Complainant writes the following:

*[Publication I] has a **42 % overlap** with [Annex a] and all 6 tables have been copied from the latter publication without references.*

Against this the Defendant argues that the overlaps between Publication I and Annex a does not concern the parts of Publication I to which the Defendant has contributed. The Defendant also argues that the authors of Publication I and Annex a are the same except for the Defendant himself.

2. Publication II compared with Annex b

The Complainant argues that there is an 11% overlap between the content of a now closed website (Annex b in this decision) and Paper I in annex 5 (Publication II in this decision).

The Defendant argues that the Complainant's claim concerns the fact that the Defendant in 1997 published a book chapter with two co-authors, which was later reproduced in Annex b. The Defendant further argues that the two authors did not contribute to the production of Publication II, but that they are both credited at the end of Publication II under the section *Acknowledgement*.

3. Publication III compared with Annex c

The Complainant argues that there is a 15% overlap between Publication III and Annex c.

The Defendant argues that there is a reference to Annex c in the findings section of Publication III.

Legal basis

The case has been processed pursuant to act no. 383 of 26 April 2017 on research misconduct etc. (hereinafter the Act), cf. section 27 of this. However, the concept of misconduct as used in the decision corresponds to what was applicable at the time when the concerned scientific products were submitted, cf. the explanatory notes to section 27(4) of the Act, cf. bill no. L 117 of 25 January 2017.

The definition of research misconduct appears from section 3(1)(i) of the Act:

For the purposes of this act:

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

The Committee's remit is described in section 4(1) of the Act:

The Danish Committee on Research Misconduct processes cases on research misconduct in scientific products.

The Committee's option of rejecting further examination of a case is laid down in section 13(1)(ii) of the Act:

The Danish Committee on Research Misconduct may reject further examination of cases under the following circumstances:

- (ii) *The case is deemed to be manifestly ungrounded, or it is assessed that the case will not result in the conclusion that research misconduct has occurred.*

At the time when Publication I was submitted, the rules then in force on research misconduct were issued pursuant to act no. 405 of 28 May 2003 on research advice, etc., and it appeared from section 2(5) of executive order no. 668 of 28 June 2005 on the Danish Committees on Scientific Dishonesty 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.*

[...]

At the time when Publication III was submitted, the rules on research misconduct then in force had been issued pursuant to the act on research advice, etc., cf. executive order no. 1064 of 6 September 2010, and it appeared from section 2(5) 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, that:

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. Scientific misconduct includes:

[...]

*(5) Plagiarism of another person's results or publications.
[...]*

In this connection, the Committee notes that it appears from both the legal basis then in force as well as the current legal basis that plagiarism falls within the concept of research misconduct.

The Committee's assessment of the case

1. Publication I compared with Annex a

The Committee finds that, essentially, there can be no question of acquiring another person's ideas etc. without due credit, if every author of the publication that is claimed to be plagiarised from are co-authors of the publication that is claimed to contain plagiarism. Furthermore, the Committee finds that, essentially, an author's reuse of text from a paper with several authors, of which the author is one, is not plagiarism within the meaning of the Act.

In the present case, all the authors of Annex a, which is the first publication, are also authors of the later Publication I, except in the case of the Defendant, who is not among the authors of Annex a, but only among the authors of Publication I. In such cases, the Committee finds that, as a matter of course, this is not plagiarism either.

Against this background, it is the Committee's assessment that the reuse of text and tables from Annex a in Publication I does not constitute plagiarism, and that there is no case of research misconduct under section 3 of the Act.

2. Publication II compared with Annex b

The Complainant refers to the fact that the Defendant has plagiarised from a website.

The website is closed and it has not been possible to recover or recreate the text elsewhere. Therefore the Committee cannot identify the part of Annex b that the Complainant claims was plagiarised. The Complainant has subsequently argued that he no longer considers it necessary for the Committee to process this part of the complaint.

As it is not possible to recover the text that the Complainant claims was plagiarised, it is assessed that the case will not result in the conclusion that research misconduct has occurred, cf. section 13(1)(ii) of the Act. The Committee therefore rejects this part of the case.

3. Publication III compared with Annex c

The alleged plagiarism concerns two papers with the same first author and two additional shared authors. Publication III is based on the same experiments reported on in Annex c, however the experiments in Annex c have a different focus in the reporting.

It is clearly referenced in the sources of Publication III that these are the same experiments, as table 1 of Publication III refers to Annex c. From this appears the

following:

[xxx].

It appears from note 47:

[xxx].

Furthermore, under the discussion section of Publication III, under figure 2, there is a reference to note 47, cf. above. It appears from the reference that the data has been previously published.

The text coincidence between Publication III and Annex c predominantly concerns the methodology section of Publication III. The Committee finds that this text coincidence does not exceed what can be expected when the same experiments are reported in Publication III and Annex c. A certain overlap between methodology sections in papers reporting on the same experiments is widely accepted in the scientific community and is generally not viewed as self-plagiarism.

Therefore, the Committee's assessment is that this part of the case does not constitute plagiarism, and that there is no case of research misconduct under section 3 of the Act.

Overall assessment of the 3 parts of the complaint

On the basis of the above, the Committee's overall assessment is that the Defendant in the matters comprised by parts 1 and 3 of the complaint has not committed research misconduct, cf. section 3 of the Act. Furthermore, concerning part 2 of the complaint the Committee assesses that the case will not result in the conclusion that research misconduct has occurred, cf. section 13(1)(ii) of the Act, and the Committee has therefore decided to reject this part of the case.

Appeals procedure

This decision cannot be appealed to another administrative authority, cf. section 18 of the Act.

Sincerely



Jens Hartig Danielsen
Chair of the Danish Committee on Research Misconduct