

CASUS WETENSCHAPPELIJKE INTEGRITEIT

2018

UM Plagiaat en niet vermelden als auteur – ongegrond

Universiteit Maastricht

1. Onderwerp van de klacht

Plagiaat en niet vermelden als auteur

2. Advies van de Commissie Wetenschappelijke Integriteit

Background

On 21 November 2017 (name complainant) filed a complaint with the secretary of the Scientific Integrity Committee of Maastricht University (UM). The complaint is directed against (name defendants). The Committee took note of the complaint and the appendices submitted by both the complainant and the defendants. The Committee declared the complaint admissible and invited the complainant and the defendants to a hearing. The Committee's task is to make a recommendation to the Executive Board, which will issue an initial verdict on the complaint. The complainant and the accused may seek the advice of the Netherlands Board on Research Integrity on this initial verdict within six weeks of its announcement.

Complaint

The complaint concerns an allegation of plagiarism and non-recognition of authorship of an article published in a journal in 2016. Complainant is of the opinion that this article is strikingly similar to his unpublished manuscript, which he wrote in 2014 as part of his academic internship under the supervision of one of the defendants. His complaint is directed against defendants in their roles of supervisor and principal investigator for the study on which his thesis is based.

According to the complainant, 'these two articles are almost identical to one another in all aspects. Literature reviewing, theorizing, designing, analysing, illustrations, remarks and comments with similar texts and even the reference list.' 'It cannot be a coincidence that someone who it happens to be working in the same department, to work within the same study, under the same supervisor, and to come up with the exact research question, conduct the exact same study, design it the same, use the same illustrative graphs and tables styling, decide freely and on their own the same inclusion and exclusion criteria and come up with similar results. What is striking here is that out of hundreds of relevant literature to include, the writers for some reasons decided (freely and on their own!) to select out the exact same relevant literature, refer to them and extract from them what they thought it is relevant to the study. And what they have extracted happened to be identical as well and follow the same critical appraisal pattern and the same comments and give the same reference list!!! No to forget to mention that my work was a non-reviewed and non-revised first draft manuscript. How come it was a



coincidence that it resembles to such an extent an article submitted for peer review for the second time before publishing in a highly-regarded journal.'

Defence

The defendants state that "complainant's complaint that we published an article that resembles to a large extent a manuscript intended for publication that I drafted during my master studies has no ground as breach of scientific integrity. Resemblances between complainant's thesis and the article should not be a surprise, given that they address a similar research question that originates from our own work and earlier work by others. Apart from this, we argue that research questions are commonly not unique (and replication is commonly needed). Other resemblances stem from the general structure of scientific articles, and in this case also from the fact that the research data were partly similar for both works, originating from the (...) study, in which complainant did a secondary data analysis without collecting new data; while (...) article used new data that were not available at the time complainant completed his thesis.

In addition, we explain the conditions for publication of students' work and rules for their authorship, and document why the work of the complainant did not qualify for publication. Also, the complainant did not contribute to any part of (...) publication, so that a coauthorship would not be justified".

Procedure

After taking note of the complaint, the Committee ruled that it is admissible and concerns a possible violation of academic integrity along the lines of the examples listed in the Appendix to the Maastricht University Complaints Procedure for Academic Integrity. The Committee communicated this to both the Executive Board and the Dean of (...).

The Committee gave the defendants the opportunity to file a written defence against the complaint. Subsequently, the Committee invited both the complainant and the defendants to a hearing. The complainant (who does not live in the Netherlands) requested that the hearing be postponed while he arranged a visa. The Committee accepted this request and rescheduled the hearing. Ultimately, the complainant took part in the hearing through video conferencing. During the hearing both parties were given the opportunity to explain their complaint and defence in more detail, and the Committee asked additional questions.

Considerations

In assessing this complaint the Committee drew on two examples of possible violations of academic integrity as listed in the Appendix of the Complaints Procedure:

*3. plagiarism of all or part of other people's publications and results
Science works only with the honest acknowledgment of the intellectual ownership of each person's contribution to knowledge. This applies to the entire range from student projects and papers to academic publications and dissertations. This is not confined to the literal appropriation but also includes the paraphrasing, omission of notes or citations, the unacknowledged use of data, drawings, or tables prepared by others. While copyright offers victims the opportunity for redress through the courts,*



a plagiarist can be prosecuted for plagiarism even if there is (no longer) any direct victim.

4. intentionally ignoring and failure to acknowledge contributions by other authors is a form of misconduct related to committing plagiarism. Wilful and flagrant violations which cannot be resolved within the academic community demand the independent judgment of the Scientific Integrity Committee.

With regard to the example described under 3, the Committee considers the following:

- both articles are (partly) based on the same data, which were collected for the (..) study. The complainant does not own these data and processed them using existing protocols under the supervision of one of the defendants. Moreover, the article by (..) et al. used data that were not available to the complainant;
- the research question is similar in the two studies, but not identical. In the Committee's view, this cannot be considered plagiarism. Research questions in (..) science are not protected by intellectual property rules; studies can (and indeed should) be replicated. Moreover, given the nature of the studies and the use of data from the (..) study, a certain degree of overlap in research questions is to be expected;
- there is indeed overlap in the literature used, but this overlap is limited and the defendants have made a reasonable case that these are either 'standard' articles in this field or articles published in the context of the (..) study. Thus, on the basis of the above definition, the use of the same sources cannot be regarded as plagiarism;
- the complainant alleges that certain illustrations and tables of his were used in the second article. However, the defendants have demonstrated to the satisfaction of the Committee not only that the content of these illustrations and tables differs from those in the complainant's work, but also that they were given to the complainant as examples and are not his own;
- in the opinion of the Committee, there is no question of literal textual overlap in the two articles.

With regard to the example described under 4, the Committee considers the following:

- the complainant has failed to prove that his contribution was deliberately ignored and not acknowledged. The complainant approached the defendants more than two years after completing his article to ask if it would be possible to publish the article, as that was important for his CV. If the complainant wished to seek publication, it would have made sense to indicate this during or shortly after completing his manuscript. In the Committee's view, the defendants had valid reasons not to honour his request. However, to avoid misunderstandings surrounding the possible publication of articles written by students in the context of their internships, the Committee advises the Dean of (..) to issue faculty-wide 'guidelines for authorship' for students.

Recommendation

The UM Scientific Integrity Committee advises the Executive Board to declare the complaint admissible but unfounded. The Committee is of the opinion that the



complainant has failed to establish that his contribution was plagiarised or deliberately ignored or not acknowledged. The Committee advises the Board to stress to the Dean of (..) the importance of drawing up clear 'guidelines for authorship' for students and disseminating them throughout the faculty, in order to prevent future misunderstandings surrounding the publication of articles written during academic internships.

3. Aanvankelijk oordeel College van Bestuur

Het College van Bestuur heeft het advies van de Commissie Wetenschappelijke Integriteit overgenomen tot aanvankelijk oordeel en klager en verweerders hiervan op de hoogte gesteld.

4. LOWI

Klager en verweerders hebben geen gebruik van de mogelijkheid om het Landelijk Orgaan Wetenschappelijke Integriteit om advies te vragen.

5. Definitief oordeel College van Bestuur d.d. 28 augustus 2018

Het College van Bestuur heeft het aanvankelijk oordeel op 28 augustus bevestigd. De klacht is definitief ontvankelijk, maar niet gegrond verklaard.