

**2015 Tilburg University – verwijtbaar onzorgvuldig handelen betreffende
bronverwijzingen - gegrond**

**Advice of the Tilburg University Academic Integrity Committee in the matter of [...],
complainant, versus [...], accused**

1. Complaint

1.1 Filed: [...], 2013.

1.2 Filed by: Complainer, at the time he filed the complaint, professor at [.....]

1.3 Complainer is the author of [.....] published in [.....]

1.4 The accused obtained his doctorate on [.....] at [.....] with his dissertation [.....] [...] was his dissertation supervisor and [...] his co-supervisor. In the initial phase, [...] was also involved in supervising the doctoral dissertation.

1.5 The complaint as described by Complainer in an e-mail of dd [.....] to the three above-mentioned supervisors reads as follows:

“I came across his dissertation and I discovered that he has heavily plagiarized from my prior work. I summarize the evidence below. My interpretation is that almost all the significant parts are copied (though some examples are worked out afresh): it calls into question the integrity of the dissertation.”

(...)

“The main parts of Chapters 3 and 4 are lifted from my prior work. On page [...], he cites [...] to say he needs something new.

This paper is at <http://www> [.....].pdf. However, Accused copies out that same paper with minor changes --some of his copied parts match some unpublished technical reports better, but for simplicity, let us not consider them yet. [.....] is a bit unusual. And especially [.....] (its versions changed from older to newer papers on this subject). [.....] highly unusual to my work as is [.....], and [.....].”

1.6 Complainer then mentions six specific points from which, in his opinion, it is evident that in his dissertation, Accused, “has heavily plagiarized from my prior work”, more particularly the aforementioned paper [.....]

1.7 The six accusations read as follows (numbering added):

- 1: [Subject 1] is copied from Complainer’s paper and in particular pages”.
- 2: [Subject 2] (is) copied from Complainer’s paper and in particular pg. [...]”.
- 3: [Subject 3] is based on work from Complainer’s paper.”
- 4: [Subject 4] (is) copied from Complainer’s paper and in particular pg. ..”
- 5: [Subject 5] (is) lifted from Complainer’s paper (pg. ...)”.
- 6: [Subject 6] is copied from Complainer’s paper”.

2. Assessment Framework

2.1 Article 1 of the Tilburg University Academic Integrity Regulations, 2012, defines the violation of scientific integrity as: “Actions or omissions in conflict with the Netherlands Code of Conduct for Academic Practice, including in any case acts contained in Appendix 1.”

2.2 Appendix 1, under 3 mentions, inter alia, “plagiarizing (parts of) publications and results of others.” It is noted in the explanation that this not only concerns “verbatim copying, but also paraphrasing, leaving out notes or source references, surreptitiously using data, designs or tables collected by others.”

2.3 The Netherlands Code of Conduct for Academic Practice, 2012, mentions “scrupulousness” as Principle 1. Examples of best practices of this are, insofar as relevant:

(1.3) “Accurate source references serve to ensure that credit is awarded where credit is deserved. This also applies to information gathered via Internet.”

(1.4) “Authorship must be acknowledged. Rules common to the scientific discipline must be observed.”

2.4 Principle II of The Netherlands Code of Conduct for Academic Practice relates to “Reliability” and contains, inter alia, insofar as relevant: “....A scientific practitioner must be reliable in the performance of his or her research and in the reporting ...”.

2.5 The procedural rules for the Tilburg University Academic Integrity Committee are laid down in the Tilburg University Academic Integrity Regulations.

3. Course of the proceedings

3.1 Faculty

The complainant initially informed the dissertation supervisor [...], co-supervisor [.....] and previous supervisor [...] of his complaint in an e-mail of [...], 2013. They forwarded the accusations, with their comments, to the dean of the faculty, [...], in [...]2013. Accused also answered the accusations comprehensively. Complainer commented on his answer. The dean notified the Executive Board of Complainer’s complaint with said comments and answers.

3.2 Academic Integrity Committee, hereinafter referred to as the Committee.

3.2.1 On [...], 2013, the Executive Board transferred the complaint and the aforementioned comments and answers to the Committee for further investigation. The Committee notified the complainant and accused of this in writing. The complainant was asked to state whether “his complaint only concerns the thesis of Accused or also includes articles based upon this thesis? If the latter is the case, please let us know which articles it concerns. In case the Committee comes to the conclusion that there is also plagiarism in these articles would you like the Committee to contact the editors? And if so, would you prefer to remain anonymous?” Accused was asked “to provide us with any publications (e.g. papers, articles) you may have published based on this thesis.”

3.2.2 Complainer told the Committee on [...] that his complaint also concerned one other publication by Accused: “[.....]”. According to him, this publication also contains “substantial uncredited material from previous work by Complainer.” The complaint is explained with specific examples. He notified the publisher, the [...] of the accusation of plagiarism. The Committee asked Complainer to keep it informed of the handling of the complaint by the publisher and stated that the Committee would decide independently of the publisher’s decision whether it should also investigate this complaint.

3.2.3 On [...], 2013, Accused handed over a list to the Committee of 9 publications based on his dissertation.

3.2.4 On [...], 2013, the Committee contacted the dissertation supervisor, co-supervisor and previous supervisor, asking them the following questions:

- Have the positions you initially took on the matter remained unchanged as a result of the accused’s response to the accusations and Complainer’s answer to it?
- As far as you can tell, is the list Accused submitted of publications based on his dissertation complete?
- Is the accusation regarding the article added in the second instance, “[...]”, correct?

3.2.5 Co-supervisor replied on [...], 2013, supervisor on [...], 2013, and previous supervisor on [...], 2013.

3.2.6 On [...], the Committee contacted the expert and requested him to give advice on the possible validity of the complaint. All above-mentioned documents, letters and e-mails were made available to him for this purpose. [Expert] issued his advice on [...], 2013. The expert’s report was brought to the attention of everyone involved.

3.2.7 On [...], 2013, the Committee decided to interview the dissertation supervisor, co-supervisor and previous supervisor. The parties were notified to this effect in writing.

3.2.8 On [...], 2013, Accused requested the Committee to make further statements about the proceedings. The information in question was sent to him in a letter of [...], 2013.

3.2.9 Complainer wrote the following to the Committee on [...], 2013:

“(....) I am glad that [expert] agrees with all of my claims and Accused’s advisors agree with most of them. Since the bulk of my claims have been accepted, I am satisfied with the reports of these four colleagues.

As [supervisor] suggests, it would be appropriate for Accused to withdraw his publications where he has failed to properly attribute my work. I know of one such publication but he may know of more. Likewise, as [co-supervisor] suggests, a public statement about his thesis would be appropriate.

I have no interest in causing irreparable harm to Accused's career. Therefore I will not advocate any additional sanctions against him beyond those that your committee applies.

(...).”

3.2.10 Complainer was told on [...], 2013 that the Committee would keep him informed of the progress of the investigation and the advice the Committee will issue to the Executive Board.

3.2.11 In the course of [...] 2013, the dissertation supervisor, co-supervisor and previous supervisor were interviewed individually. A report was made each time. The reports were sent to the persons involved.

3.2.12 On [...], 2013, the Committee provided Accused with the complete investigation file, with a request to respond to it. Accused replied by e-mail on [...], 2014. In his e-mail, he also stated the decision by the [...] publisher on the complaint by Complainer about his [...] paper “[...]” and its further settlement. When requested to do so, he sent the relevant e-mail exchange to the Committee on [...], 2014.

3.3. Oral hearing

3.3.1 The Committee concluded its investigation of this matter on [...], 2014 and prepared draft advice. This draft advice was sent to Accused, with a request for him to decide whether he still wanted an oral hearing in Tilburg. The Committee had left this choice up to him because, for different reasons, not to be stated here, it took some doing for him to travel to the Netherlands. Accused did not know for sure whether an oral hearing was indeed necessary. If the Committee were to propose the sanctions in its draft advice that supervisor had suggested – an excuse to Complainer and withdrawal of the [...]paper – he would no longer need to explain his position further, as he let the Committee know in his e-mail of [...], 2014. After receiving the draft advice, Accused still chose an oral hearing in Tilburg.

3.3.2 The Committee was aware that this is an unusual course of affairs, but it decided to allow this, because a great deal is at issue for both Accused and Tilburg University. According to the Committee, this justifies an additional opportunity for Accused to give his views on the complaint and for the Committee to find out exactly what happened and how the different positions of the parties involved in the proceedings should be interpreted and weighed,

3.3.3 The oral hearing was been set and held in Tilburg on [...], 2014.

3.3.4 Prior to the oral hearing, Accused sent an extensive “Response to allegations of plagiarism” on [...] 2014, also containing many technical explanations. The Committee asked [expert] to respond to this. He did so on [...], 2014. His comments were forwarded immediately to Accused.

3.3.5 Prior to the oral hearing, the Committee also received three statements from colleagues in Accused's professional field, made at the request of Accused or his major professor, [supervisor], namely by:

- a. [professor X];
- b. [professor Y];
- c. [professor Z]

The statements are part of the file.

3.3.6 At the hearing, on the side of Accused, besides Accused himself, his partner, [...], his lawyer, [...], from [...] and aforesaid [professor X] also appeared. [Expert] was there, too. Complainer had already stated earlier that he would not attend an oral hearing in Tilburg. He had said what he had to say and was satisfied with the approach to the matter. Supervisor and co-supervisor were invited, but the former was unable to attend and the latter did not appear without prior notice of inability to appear.

3.3.7. During the hearing, Accused's lawyer spoke on his behalf. He did not submit any written arguments. The Committee asked questions which were answered by the lawyer, by Accused himself and by his partner. [Professor X] also gave a short explanation. When asked to do so by the Committee, [expert] spoke about some more technical aspects.

3.3.8 With the oral hearing, the Committee closed the investigation and stated to the parties involved that it would assess the case again with a completely open view, without being bound by what it held in the draft advice.

4. Findings of the Committee regarding the validity of the complaint

The Committee finds the following regarding the positions and arguments put forth by the stakeholders.

4.1 The expert engaged by the Committee came to the following conclusions:

Conclusion 1. I agree with all allegations made by Complainer.

Conclusion 2. The severity of these allegations ranges from copying with renaming without proper citation to (sloppily) leaving out proper citations.

Conclusion 3. The main defense by Accused is that work is only "technically motivated by Complainer's paper". I consider this as a misrepresentation since the dissertation is essentially based on Complainer's paper.

Conclusion 4. Rules 1.3 and 1.4 of the Dutch code of conduct have been violated.

Conclusion 5. If the thesis would have cited Complainer's work properly the contributions of the dissertation would become shallow and it could only pass marginally as a substantial and original dissertation."

4.2 According to the dissertation supervisor the accusations stated in 1.7 of this advice under 2, 4 and 5 are absolutely justified: proper referencing is lacking. He wrote this in [...] 2013. He persisted in this in a letter of [...], 2013 as well as in the oral discussion with the Committee on [...], 2013, after he had read the report by

[expert]. In the discussion, he stated, inter alia, that he “strongly condemned the fact that he had not quoted Complainer appropriately”, calling this “unprofessional”. After reading [experts]’s judgment of the situation, he had no reason to change his mind. He felt that he and [expert] were essentially on the same line.

4.3 The co-supervisor wrote in [...] 2013 that, according to him, the accusations stated in 1.7 of the advice under 1, 2, 4 and 5 were justified. He persisted in this in a letter of [...], 2013 as well as on [...], 2013 during the oral discussion with the Committee by telephone, after he had read the report by [expert].

4.4 In [...] 2013, previous supervisor, endorsed the six accusations by Complainer as follows: “Complainer’s observations about the use of his work are correct.” He persisted in this in a letter of [...], 2013 as well as in the oral discussion with the Committee on [...], 2013, after he had read the report by [expert]. During this discussion, he also stated that when he was still the day-to-day supervisor of Accused, Complainer’s work did not play a part.

4.5 In [...] 2013, Accused responded point by point to the accusations by Complainer in his e-mail [...], 2013 that he had committed plagiarism, among other things by arguing that he had used his work more as a source of technical inspiration. Furthermore, his work was allegedly more or less common knowledge and therefore did not require comprehensive references to literature. He mentioned a publication by him and co-supervisor from 2003 (the [...] paper) in which reference is indeed made to the work of Complainer. He put forth as well that his model is much broader and also has wider applications than the approach of Complainer.

4.6 Complainer refuted this defense in an e-mail in [...] 2013 to the Dean of the Faculty (mentioned in 3.1 of this advice), also point by point. He is of the opinion that what Accused did with his work goes beyond a source of technical inspiration. There has indeed been copying, albeit with (partly) different labels and symbols. Complainer does not consider the latter a sign of innocence, but rather of guilt. In his view, the reference to the [...] publication from 2003 is not sufficient either: only “[...]”. His theory is not common knowledge; he writes: “[...]”. Nor does he endorse the assertion by Accused that his model is much broader and also has wider applications than his approach.

4.7 At the end of his response in [...] 2013, Accused admitted that, in retrospect, with his present experience, he should have written more clearly that the formal system of his dissertation was based on Complainer’s work, “even though at the time I believed (...) [...]. Looking back at the time I wrote my thesis, I probably also, by reading their work, and working with their approaches, internalized [...], and consequently did not always remember the source of [...].”

4.8 On [...], 2014, after the entire file had been sent to him, Accused wrote:

“In response to the latest statements and interview transcripts I would wish to add the following. First of all, I wish to state that I intend to fully comply with the recommendations of supervisor, Complainer, and co-supervisor and that I am already

following their recommendations. It is clear to me, in hindsight and with 10 years of further experience, that referencing Complainer's work only as technical motivation provides insufficient insight to a reader as to the nature of the contribution of that work. My intent at the time was to give the paper entitled "[...]" by Complainer in international workshop on [...], [...] 1997 a more significant reference than a regular reference. Therefore, I decided to reference this paper in my [...] paper entitled "[...]" in the [...] international conference on [...] ([...]), [...], [...], [...], [...], [...], [...]2003, [...], [...]. [...] is a top class conference in my field widely referenced by the international community.

Similarly, I realise that referencing my own [...] paper in my thesis without referencing Complainer's work directly, was inappropriate. My work has never focused on [...] (at any time, before, during or after my PhD.) and my contribution does not lie in this area. [...]. From what I can recall of my defense, and from the ensuing discussions with the members of my dissertation committee, little emphasis was placed on [...]."

4.9 In his "[...]" of [...], 2014, Accused made a distinction between the allegations of plagiarism as such and those issues dealing with weighing the impact of the alleged plagiarism (below: Follow up). In the discussion of the allegations, in summary, he emphasized that Complainer himself was not original and elaborated on the work of others, often without mentioning the sources either. By stating this, he did not mean to accuse Complainer of plagiarism, but only wanted to state that a lot of material was common knowledge and understanding. In his Response, to support this assertion, he cited many references as to what as common knowledge and understanding comprised at the time he wrote his dissertation. He would have done better by quoting them, he wrote on p. [...].

4.10 But he did not do so. Of the 28 references in his Response, only 6 can be found in his dissertation. The Committee concludes from this that he did not (especially) base his dissertation on such common knowledge and understanding. If that had been the case, he should, after all, have mentioned that literature in the dissertation, and he did not do so. He relied mainly on Complainer, even though it may be so that he concentrated on parts in more detail or made them more suitable for the subject of his dissertation.

4.11 For the rest, in his three defense documents of [...] 2013, [...], 2014 and [...], 2014, Accused contradicts himself in the answer to the question whether or not he was inspired by the [...] of Complainer. The answer is sometimes confirming and sometimes denying. Compare 4.5 and 4.8 of this advice. Furthermore, his Response of [...], 2014: for an affirmative answer see inter alia p. 1 second paragraph and fifth paragraph until the end, in 4.3-5 and 4.3-6, 4.3-8 and 7-1. For a denial or hesitant answer, see particularly 2.5.1, 3.1, and his conclusions on the correctness or incorrectness of the 6 allegations, for example explicitly 4.1.4-13 on allegation 3, and 4.1.5-8 on allegation 4.

4.12 In the Committee's opinion, Accused has not been able to make it plausible in his written defense and during the oral hearing that and why the allegations by

Complainer are incorrect (in part) according to him, in departure from the opinions of his two supervisors and his former dissertation supervisor, as well as the findings of [expert]. According to all of them, the 6 allegations were wholly or partially correct. The three statements, referred to above in 3.3.5, are not clear on this issue. The only one that seems to be close to Accused, [professor X], closed his statement by saying that “complainer’s work should have been properly cited in the thesis” as it was in the [...] paper.

4.13 Based on what is held in 4.9 – 4.12, the Committee cannot come to any conclusion but that in his dissertation of 2004, Accused was guilty of plagiarizing the work of Complainer, more particularly his paper from 1997, referred to in 1.3 of this advice. He is therefore guilty of plagiarism, as defined in Annex 1 under 3 of the Tilburg University Academic Integrity Regulations, 2012 (quoted in 2.2 of this advice), and of violation of Articles 1.3 and 1.4 of the Netherlands Code of Conduct for Academic Practice, 2012 (quoted in 2.3 of this advice), as well as Principle II of the same Code of Conduct (quoted in 2.4 of this advice). Willful act or malicious intent is not a condition for plagiarism within the meaning of Annex 1 under 3.

4.14 The Committee considers incomprehensible the statement by Accused in the e-mail of [...], 2014 that his intention at the time ([...] 2003) was to give Complainer’s paper of 1997 “a more significant reference than a regular reference” in his [...] paper. The Committee fails to see why he indeed had the insight in that paper that Complainer’s paper was more than a source of technical inspiration, but not (anymore) in his dissertation of [...] 2004 and in his [...] paper also of [...] 2003.

4.15 Whatever the case may be, the reference in his [...] paper of [...] 2003 to Complainer’s work and the reference in his dissertation to his [...] paper do not affect the Committee’s opinion that plagiarism was committed, not even if the reference in the [...] paper, unlike Complainer argues, had met all criteria for quotation. He should also have expressed fully in his dissertation that and in what respect he relied on the work of Complainer, as he himself acknowledges in his e-mail of [...], 2014 and, again, in his Response of [...], 2014.

4.16 Concerning the “Follow up” (4.9 of this advice): in all three defense documents of, consecutively, [...]2013, [...], 2014 and [...], 2014, and also during the oral hearing on [...], 2014, Accused emphasized that the academic contribution of his dissertation is not in the field of [...] but in “[...]” (Dissertation, p. [...]). The Committee concurs with this position, partly on the basis of the three statements referred to in 3.3.5.

4.17 The Committee does not, however, concur with Accused’s position that the [...] in his dissertation was nothing but a tool of (very) limited significance. Even if his assertion on p. [...], fifth paragraph, of his Response of [...], 2014, is correct that “[...] is of such substance that it could not sustain in and of itself, let alone a PhD. thesis”, this does not mean that the [...] in his dissertation could (virtually) have been left out and that the six allegations by Complainer relate to part of the dissertation that actually does not matter. In his own words, he says that he needed [...] in his dissertation, and even a [...], followed by a comparison of [...] (Dissertation, pp. [...]).

On p. [...], he closed this part of his dissertation as follows: "[...]." The monitorability of the [...] that Accused developed in his dissertation would not be (very) possible without [...]. Consequently, in the Committee's opinion, his dissertation is not finished without [...], even if enough would remain without [...] to award his a doctoral degree (below in 6.2). For the rest, the Committee is of the opinion that plagiarism may not be committed even in less important parts of a dissertation or paper in which the author relies on the work of others.

5. Findings of the Committee regarding plagiarism in the [...] publication

5.1 The complaint by Complainer about plagiarism of his work by Accused in his [...] paper of [...] 2003 was examined by the editorial board of [...] and deemed well-founded, as is evident from the correspondence Accused sent to the Committee on [...], 2014 at its request. The Committee quotes the relevant letter from [...], Plagiarism Chair, [...] of [...], 2013:

"As you know, concerns were raised regarding your paper named below. Those concerns centered around a complaint that your paper had copied portions of another author's papers. Senior volunteers from the [...] reviewed the complaint, as well as your response to the allegation and determined that there was sufficient need to conduct a formal investigation. Due to the serious nature of this type of complaint, [...] guidelines required that an ad hoc committee be formed to review the case. We have recently received the report from the ad hoc committee.

In the report, the committee had found substantial evidence that your paper
"[...]"
Found in: [...]
By Accused
Issue Date: [...] 2003
pp. [...],

has copied significant portions from the following original papers:

Paper 1
"[...]"
by Complainer

Paper 2
"[...]"
Complainer

Furthermore, the committee had found that your paper falls into the category of Level 3 plagiarism as described in [...] of the [...] Manual, where "portions of an original paper are used in another paper without quotation marks, credit notice, reference, and bibliography." The [...] Manual can be found online at [...].

[...] also prescribes actions required to correct Level 3 Plagiarism. The ad hoc committee has recommended the following actions:

A Notice of Violation of Publication Principles will be posted on your paper in [...] and the [...]. You are required to prepare a brief letter in which you acknowledge that your paper was copied from the original paper without attribution. The letter must include an apology. The letter is to be addressed to myself with a copy to [...] by [...], 2013.

Once you have sent your acknowledgement and apology, we will consider this matter to be closed. Failure to comply with the corrective actions may result in additional, more severe corrective actions, including prohibition from publication for 1 to 2 years.”

5.2 The “Level 3 plagiarism” discovered, unlike Accused asserts in no. 5.2-8 of his Response of [...], 2014, is not “of the weakest degree”. According to the [...] Manual van [...] 2013, there are 5 levels. The sanctions of Level 3 do not only include a “letter of apology to the editor and involved source (Complainer)”, as Accused writes in the cited place in his Response, but also mention of the Notice “in the [...] electronic database as part of the article’s bibliographic record.”(Manual, p. 101). Anyone who searches the [...] electronic database will see the Notice immediately.

5.3 Accused complied with what was requested of him by the [...] editorial board. Although Tilburg University has its own responsibility to investigate accusations of plagiarism relating to publications by members of the academic staff it employs or who were employed there at the time of the research that led to the publication, in this case the Committee advises leaving things as they are and not starting its own investigation into the validity of Complainer’s complaint about plagiarism by Accused in the [...] paper. It is a paper based on his dissertation research, but presented and published in advance of this. If the complaint is deemed to be well-founded, it would become clear that the plagiarism had already been committed earlier – although this is incompatible with what he expressed as his intention regarding the [...] paper written at the same time, [...] 2003 (finding 4.10). It does not add anything essential to the plagiarism in his dissertation, but rather anticipates it. Furthermore, if the complaint is deemed well-founded, Tilburg University would not be able to insist on any other sanctions than those already imposed by the [...] editorial board itself. Finally, Complainer is not insisting either on an investigation by Tilburg University itself, in addition to the investigation by the [...] editorial board, which has already been done and closed.

5.4 The foregoing means that, as the Committee has not investigated and established the complaint itself, the plagiarism by Accused in the [...] paper of [...] 2003, considered proven by the [...] editorial board, is not taken into consideration to his disadvantage in the findings of the Committee following now in relation to the sanction to be imposed.

6. Findings of the Committee regarding the sanction to be imposed.

6.1 The Committee takes the plagiarism by Accused very seriously. It violates one of the elementary principles of academic practice: the claim on originality and the corresponding distinction between mine and yours, among other things. In the

preface to Accused 's dissertation, the reader is told: "This thesis is the result of my own work." His opening statement proved not to be true. The Committee has been unable to find out with certainty whether he did so intentionally or consciously. Partly changing the labels and symbols might indicate intention, but not necessarily.

6.2 When asked, the persons concerned answered the Committee's question whether, if Accused had not plagiarized, but had correctly referred to Complainer's work in the right places, the dissertation would still have contained enough substance and original contribution to "the body of academic knowledge" to allow him to obtain his Ph.D. The opinions of the persons involved were not completely the same. Supervisor and co-supervisor gave confirming answers, as did the three experts who sent the statements referred to 3.3.5 to the Committee. Previous supervisor was more hesitant, and sometimes negative (for example in his letter of [...], 2013). According to [expert], in that case the dissertation would have been "shallow" and "could only pass marginally as a substantial and original dissertation". The Committee gives a confirming answer to the question on the basis of these statements by the persons concerned.

6.3 The Committee notes in addition that the assessment of a dissertation, even after the end, as in this case, is more than just a statement about its academic contents. If a research fellow commits fraud and the fraud is serious enough, in the Committee's opinion, this should in principle result in a warning, and in case of repetition, in dismissal of the PhD. researcher and termination of the cooperation with the dissertation supervisor, even if, disregarding the fraud, it would still have enough academic content to be accepted as a dissertation. In this case, this sanction is no longer possible: Accused has already obtained his Ph.D. and he is no longer employed at Tilburg University.

6.4 In the current case, the Committee has taken note of the comment by previous supervisor (in his discussion with the Committee on [...], 2013) that in Accused's discipline "recognition issues play a somewhat less prominent role" and that "making progress and going forward is, to a certain extent, dominating proper acknowledging contributors". The Committee takes the view that – even if this is the case - this fact does not decrease his responsibility for correctly mentioning relevant sources.

6.5 The Committee is also aware of the fact that neither the supervisors nor the doctoral dissertation committee of Accused discovered the plagiarism at the time. Had they done so, they could have given Accused a warning and he could have repaired his omissions. In this hypothetical case, if he would have repaired the omissions fully and without committing further offenses, there would have been no case. However, this did not happen. This is regrettable, but the Committee takes the view that the final responsibility for correctly mentioning the sources lies with the doctoral candidate and not with the doctoral dissertation committee.

6.6 The Committee orders the Executive Board to take measures to compel major professors and members of doctoral committees to monitor possible fraud or

plagiarism more closely, for example by including a question to that effect on the assessment form of the manuscript.

7. Advice to the Tilburg University Executive Board

The Committee has examined which sanctions can possibly be imposed and maintained in this case (and similar cases). It arrives at the following findings.

7.1 For the Committee, the findings under 6.2 through 6.5 are a reason not to advise the most severe sanction: revocation of the doctorate.

7.2 The Committee advises placing an endorsement at the doctorate of Accused on the digital list of doctorates award by Tilburg University, visible immediately when the digital list is consulted, stating that a complaint of plagiarism by Accused in this dissertation was declared well-founded in a decision by the Tilburg University Executive Board of (...date).

7.3 The Committee nevertheless realizes that the digital register is consulted rarely if ever. An endorsement on the paper doctoral degree, containing reference to an appended statement about the plagiarism committed in the dissertation, if feasible at all, will not be effective, because the degree rarely if ever has to be submitted.

7.4 Instead of this, the Committee advises requiring Accused, each time he formally makes a statement with respect to the obtainment of his Ph.D., especially in job applications, to add that he had committed plagiarism in his dissertation, while submitting the decision of the Executive Board to that effect of (...date). In view of the type of plagiarism and the circumstances mentioned in 6.2 through 6.5, the Committee suggests limiting the duration of this obligation to 5 years after the Executive Board's decision. The obligation may not be verifiable, but it does provide a legitimate basis to take subsequent measures if Accused does not comply with this obligation, for example that his doctorate will still be revoked or that Tilburg University will inform third parties on its own account of its decision regarding the plagiarism. It would be going too far for the Committee to require Accused also to do so each time he uses the doctor's title, such as in publications or during presentations at conferences.

7.5 The Committee advises further requiring Accused to make a written apology to Complainer for the plagiarism he committed in the dissertation, with a copy to the Executive Board of Tilburg University.

7.6 Lastly, the Committee advises not to launch a further investigation into the validity of the complaint about plagiarism by Accused in his paper "[...]" of [...] 2003, for reasons as mentioned in 5.

8. Preliminary decision of the Executive Board

On [...] 2014 the Committee has submitted the accompanying recommendations to the Executive Board.

In its meeting of [...] 2014 the Board has decided to settle its initial judgment accordingly to the advice given by the Committee.

Advice LOWI

Further to the intended decision of [...], 2014, Accused requested the National Board for Research Integrity (LOWI) to give advice on the initial finding of the Executive Board of Tilburg University.

On [...], 2015, the National Board for Research Integrity advised Tilburg University to revise the intended decision of [...], 2014 with respect to Accused. The full advice is published on the LOWI website:

http://www.lowi.nl/nl/bestanden/copy_of_LOWIadvies2015nr9.pdf

Final decision of the Executive Board

The Executive Board decided in its meeting on 8-9-2015, in accordance with the advice of the National Board for Research Integrity, to make the final decision that Accused violated research integrity in his dissertation '[...]' by acting with imputable carelessness, and to impose the following remedial sanction:

[...]

In addition, the Executive Board would like to note that – also in view of Article 1.4 of the Netherlands Code of Conduct for Academic Practice – in all disciplines, without any exception, indirect references and faulty acknowledgment of authorship are unacceptable. Should such practices still occur within the institution, the Executive Board will communicate in no uncertain terms that this is not tolerated.