

## Onderwerp van de klacht: plagiaat

Recommendation of the Committee for Academic Integrity, dated [...], on the complaint filed by [...] against [...] on [...], submitted to the Ombudsman for Academic Integrity at [the university].

### 1. The complaint

[...], hereinafter referred to as 'the Complainant', submitted a complaint against [...], hereinafter 'the Defendant' to the Rector of the university on [...] on behalf of [...], his PhD student, hereinafter 'Interested Party 1'. The complaint reached the Ombudsman for Academic Integrity via the Rector of the university.

The complaint concerned the suspicion that the Defendant had included texts in [...] thesis that were taken from the thesis of Interested Party 1 without adequate reference being made to this, meaning that this was an allegation of plagiarism. The Complainant provided a table indicating the exact location of the alleged instances of plagiarism.

Additionally, the Defendant was also alleged to have used the concept of [...], which had previously been developed by Interested Party 1, without accreditation.

The complaint was initially brought to the attention of [...]’s supervisor and co-supervisor, hereinafter 'Interested Party 2' and 'Interested Party 3', respectively. They informed the Defendant of these allegations.

### 2. The Procedure

The Academic Integrity Committee (hereinafter 'the CWI') received the complaint from the Executive Board of the university (hereinafter 'the CvB') on 14 July 2014.

The Complainant represented the interests of Interested Party 1; the Defendant was assisted by Interested Parties 2 and 3.

On [...], the CWI informed the Complainant, Defendant and Interested Parties 2 and 3 that the complaint had been received. On [...] the Complainant, Defendants 2 and 3, and the Dean of the Faculty [...] and the university Rector were informed by the CWI that the complaint had been received.

Prior to the hearings, both the Defendant and, jointly, Interested Parties 2 and 3 sent a written response to the complaint to the CWI. On [...], the CWI held a hearing with the Defendant and on [...] it held a hearing with Interested Parties 2 and 3. On [...], a response to the reports of these hearings was received from Interested Party 1 and the Complainant.

In view of the written submissions, the hearings and the response of the Complainant and Interested Party 1 to the hearings, the CWI judged that it was not necessary to seek the advice of an external expert in order to substantiate its advisory report.

### **3. Positions of the parties**

#### *3.1 Position of the Complainant and Interested Party*

The Complainant alleged that the Defendant made use of the concept [...] from the work of Interested Party 1, without making any explicit reference to this work.

The Defendant was also alleged to have committed plagiarism by using Interested Party 1's text in [...] thesis, without providing any reference. The Complainant provided a table indicating the exact location of the alleged instances of plagiarism.

#### *3.2 Position of the Defendant*

The concept [...] was derived from the literature, which both the Defendant and Interested Party 1 used in their research. It is unsurprising that this term was used, given that the research of both the Defendant and Interested Party 1 had a similar research theme. The addition of the word [...] does not add anything substantial to the concept [...], according to Interested Parties 2 and 3; moreover, in [...] work, the Complainant does not claim to have discovered or invented the concept [...].

Regarding the allegations of plagiarism, the Defendant refutes these allegations, referring to a range of locations in the text in [...] written response (which include material from [...] dissertation, as well as earlier draft chapters). In the case of three of the alleged incidences of plagiarism that remain (numbers 4, 5 and 6 of [the] table, p. [...], [...] and [...] in the thesis of the Defendant), [...] acknowledges that there are similarities with an article written by Interested Party 1. [Defendant] explains that [...] used these sections of Interested Party 1's article because of the useful references. [Defendant] included those references in handwritten notes, along with a number of points from the article. However, [...] omitted to make a note of the source, meaning that references were lacking at the relevant points in the text. The Defendant recognizes that [...] failed to meet sufficiently rigorous standards in this respect. However, the relevant article by Interested Party 1 is included as a reference in the Defendant's reference section.

The Defendant also argues that [...] thesis includes clear and correct references, which demonstrates that [...] had no intention of attempting to appropriate other people's text or ideas as [...] own.

The Defendant states that [...] should have exercised more care when using text from the article by Interested Party 1 and that, in the event of future publication, [...] will rectify these shortcomings in such a way as to fully reflect the work of Interested Party 1.

#### *3.3 Response of the Complainant and Interested Party 1*

The Complainant was given the opportunity to respond to the arguments of the Defendant and Interested Parties 2 and 3, and to the reports of the hearings held with the Defendant and Interested Parties 2 and 3. The Complainant also addressed the response of Interested Party 1. In their reply, the Complainant and Interested Party 1 indicate that the minutes from the hearings and the written responses received, included sufficient acknowledgement of their grievance, and that such an acknowledgement had been the ultimate aim of submitting the complaint.

#### **4. Admissibility of the complaint**

The complaint was found to be admissible [...] and forwarded for further consideration by the Academic Integrity Committee (CWI). The CWI duly processed the complaint. The various parties were informed of this on [...].

#### **5. Judgment of the CWI**

##### **5.1 General**

The CWI advises the Executive Board in cases involving transgressions of academic integrity. The CWI bases its judgment on such transgressions primarily, but not exclusively, on standards of academic integrity derived from the revised Netherlands Code of Conduct for Scientific Practice 2004, which was revised in 2012 and 2014 (Association of Universities in the Netherlands (VSNU)). Furthermore, the framework standards applied by the Netherlands Board on Research Integrity (LOWI) may be relevant. Please see [www.lowi.nl](http://www.lowi.nl) for further details.

However, deviation from these standards does not necessarily imply that there has been a transgression of academic integrity. Any judgment on whether this is the case will depend on the extent, nature and severity of the deviation in question.

The CWI does not advise on aspects of civil or administrative law that may be relevant to a complaint, including aspects relating to labour law. Neither does the CWI make any judgment on academic disputes.

##### **5.2 Considerations of the CWI**

The CWI regards the statement of the Defendant concerning the concept [...] as adequate and rules that there is no question of the appropriation of other people's ideas.

In this regard, the complaint is therefore unfounded.

However, the CWI concludes that on pages [...], [...] and [...], the work of Interested Party 1 has indeed been plagiarized. In this regard, the complaint is upheld. The CWI views as plausible the explanation given by the Defendant regarding this plagiarism. In the judgment

of the CWI, no transgression of academic integrity has occurred, but this is a case of culpable negligence.

The minor extent of this plagiarism and the circumstances under which it occurred, as well as the promise of the Defendant to rectify this in the event of subsequent publication, have also been taken into account by the CWI in its recommendation to the Executive Board.

#### **6. Recommendation of the CWI**

The CWI advises the Executive Board to ask the Defendant to sign a written statement, addressed to Interested Party 1, affirming that, in the event of future publication, [...] will include full accreditation of the work of Interested Party 1 in the form of a rectification. A copy of the statement must also be submitted to the Executive Board.

#### **7. Decision of the Executive Board (2 June 2015):**

The Executive Board has decided to follow the recommendation of the Committee and to declare the complaint unfounded insofar it concerns the concept [...]. Concerning the plagiarized passages on pages [...], [...] and [...] of the dissertation the Board declares the complaint upheld. Following the recommendation of the Committee. The Executive Board has requested [...] to sign a written statement, addressed to [...], affirming that, in the event of future publication, [...] will include full accreditation of the work of [...] in the form of a rectification. A copy of the statement was sent to the Executive Board in June 2015.