

Casus Wetenschappelijke Integriteit

2023

Plagiarism – unfounded

Technische Universiteit Delft

1. Subject of the complaint: plagiarism (unfounded), no authority to handle the complaint against the student

2. Facts, overview of procedure

- 2.1 On 11 January 2021, the complainants filed a complaint of an alleged violation of research integrity regarding plagiarism in the master thesis X (hereafter: thesis) by the Msc student B; her supervisor was Dr. ir. A.
- 2.2 The Board of Examiners of the Faculty (hereafter: BoE) had investigated the accusation of complainants about plagiarism (of 7 May 2020) and issued its decision on 15 July 2020, concluding that there were no issues about the conceptualization, however some referrals to the work of complainant (1) should be made in an addendum to the thesis. Complainants did not appeal against this decision of the BoE.
The addendum, made up by the Msc student and supervisor A was received by the BoE in January 2021: the BoE stated on 19 March 2021, that the addendum complied with the decision of the BoE and will be included in the graduation work, to be published in the TU Delft repository. The BoE declared the case as closed.
Complainants sent an e-mail to the BoE on 31 March 2021, that they did not agree with the proposed remedy. The BoE informed complainants on 7 April 2021, that it leaves the further handling of the complaint to the RIC.
- 2.3 On 31 March 2021 the RIC asked complainants whether the addendum to the thesis had an impact on their complaint. The same day the complainants answered that they were not satisfied and upheld their complaint to the RIC.
- 2.4 On 6 May 2021 the RIC informed complainants that it had waited for the final action by the BoE, which was 19 March 2021. The RIC said it will handle the case, as far as it concerns the actions of A, since B is a student.
- 2.5 On 12 July 2021 a rebuttal was received from the supervisor.
- 2.6 On 13 September 2021 a hearing was held. Complainants were present as was A, accompanied by Prof. ...
- 2.7 The outcome of the hearing of 13 September 2021 was that parties would aim for an amicable settlement: supervisor A was prepared to adapt the graduation thesis with an addendum, complainants would draw up a list with desired amendments to references to images, etc. This outcome was sent to the parties on 13 September 2021.
- 2.8 On 27 September 2021 complainants sent the desired corrections in an attachment. On 11 October 2021 the supervisor reacted on the proposal of complainants by sending an addendum to the thesis, containing 1) reference to the video and 2) reference to the design competition. On 3 December 2021 the complainants concluded that they are not satisfied, asked for two more corrections and saw no reason to withdraw the complaint. On 16 December 2021 the supervisor stated that he can't add any corrections anymore. On 21 December 2021 the complainants upheld their two requests. On 16 January 2022 the supervisor said he can't make any further steps.
- 2.9 After some delay, the RIC sent an announcement to the parties on 23 June 2022: the RIC still believed that a settlement is possible. Complainants were asked to accept the latest proposal from supervisor A dated 16 December 2021.
- 2.10 The RIC recalled complainants on 7 September 2022 and on 16 February 2023.
- 2.11 On 6 March 2023 complainants reject the settlement and say they want all the corrections they asked for.

- 2.12 On 31 March 2023 the RIC informed parties that it will now make a decision within the limits as indicated, as stated in the settlement proposal.

3. Complaint

- 3.1 In short, the complaint entails plagiarism in the master thesis by the Msc student B, supervised by A.
- 3.2 Complainants told the BoE on 31 March 2021, that they did not agree with the by the BoE proposed remedy of an addendum to the thesis.

4. Defense (12 July 2021)

On 12 July 2021 and in follow-ups / e-mail messages concerning the possible settlement, the supervisor argued:

4.1 Procedural

A wonders if he is involved in this case, concerning a master thesis of a student. He assisted the student with the complaint of complainants at the BoE, but he sustains that this is a student matter and no matter for him as her supervisor. Nevertheless, he will defend the thesis, speaking for himself but also on behalf of the student.

The BoE has already rendered its decision about the plagiarism in the thesis on 15 July 2020; complainants have not appealed the decision of the BoE.

Although the case should have been closed after the decision of the BoE, the student and the supervisor nevertheless agreed – in the context of a settlement - to add some more changes to the thesis, and thus going further than the recommendations of the BoE. But more corrections, as the complainants kept on requesting, are going too far and beyond the work of the thesis.

4.2 Content

Student had her own roots at (city). The core of the graduation project was already developed before the student retrieved information on the 19th of Nov 2018 as shown in the annex provided by complainants. It has been demonstrated that the student already developed her own concepts and frameworks. Looking at how this developed but also timewise it is impossible that the student took the actual concept outline etc. from the design competition. The student refers in her thesis in many cases to the competition. As it was unclear and not stated who owned what material and whom to reference it to, as can be read in the annexes, the student referenced it to the ministry in (country). Other issues around this topic are already addressed by the BoE. Mistakes in referencing were already solved, as proposed by the BoE. There is no conscious neglecting and hiding of the research. The supervisors would not tolerate that.

After working with the student for more than a year, the supervisors - as well as the BoE - were convinced that the student had not committed plagiarism, although there are some inaccuracies that were already corrected.

The most important conclusion – by the BoE - is that the conceptualization, design process, and the results as shown in the thesis by B are B's.

5. Hearing, Settlement

The outcome of the hearing of 13 September 2021 was that parties would aim for an amicable settlement (see 1.7). After several e-mail messages from both parties, no settlement was reached (see 2.8).

Reacting on the two requests of complainants (3 December 2021, maintained on 21 December) the supervisor stated the following on 16 December 2021 and 16 January 2022:

Ad 1) deleting the video or help the student (alumna) to add the quotes from the addendum to the running film.

This point - adding the acknowledgements (already listed in the addendum, sent to the BoE a year ago) to the running film - should be possible, because the film does not belong to the official documents of the graduation. In fact, this was already added to the addendum.

Ad 2) adding more corrections.

The content of this part of the reaction touches on issues which were thoroughly discussed and of which the supervisor showed proof at the hearing as well as in the documents providing evidence that these

were student's own ideas and work. Complainants might have missed some crucial facts in the timeline provided, including (...) selection as well as (...) conceptualisation and the provided proof of all this.

This second point is not acceptable because of a) the content, that is that design locations had already been chosen before entering the competition; and b) also the fact that alterations of the official graduation documents - other than the addendum - should legally go via the BoE. So basically, the supervisor and the student are tied in this situation.

5.2

After the final response from supervisor A dated 16 January 2022 on the (last) proposal of complainants, dated 21 December 2021 the development in this case was slow, due to the workload of the RIC.

On 23 June 2022 the RIC made, after considering the situation, the following statement: as a last resort complainants were urgently requested to let the last correction rest, within the context of a settlement, in which both parties must show a certain leniency. The RIC procedure had already stretched the opinion of the BoE, to which the BoE (and the supervisor) could agree, but not with any further changes.

If complainants indicate that they do not accept the settlement, the RIC will issue an advice to the Executive Board of TU Delft within the limits as indicated: a full substantive test on the decision of the BoE will not take place, only a marginal test of the decision of the BoE will be carried out. This was mentioned before; on 6 May 2021 the RIC already pointed out that no appeal was lodged against the decision of the BoE.

After two recalls complainants rejected the settlement proposal on 6 March 2023.

6. Assessment

6.1 (Language)

The language throughout these proceedings was English. This advice is therefore also written in English.

6.2 (Applicable Code)

On 1 October 2018, the Netherlands Code of Conduct for Research Integrity 2018 (hereinafter referred to as 'the Code') entered into force for research – or research activities in previously started research – started after October 1, 2018, according to the transitional provision in the 2018 Code (Section 1.5, Article 19, opening words and under point a). The thesis is from 2020 and the graduation started in September 2018, most of the research was done after October 2018, so the Code 2018 applies.

The standards of the Code involved are plagiarism, as described in (among others) 34 and 40.

6.3 (Complaints Regulation)

This complaint was submitted based on the TU Delft Regulation on Complaints about Research Integrity 2020 (the Complaints Regulation).

The RIC is authorized to deal with complaints concerning suspected infringements of scientific integrity, in accordance with the complaints procedure regulated in the Complaints Regulation.

6.4 (Complaint against student)

The RIC is not authorized insofar as the complaint is directed against the student: according to article 1, sub c, of the Complaints Regulation a complaint regards the alleged research misconduct committed by a staff member.

6.5 (Complaint against supervisor)

The RIC has considered the admissibility of the complaint against A, because the complaint is about a master thesis of a student; supervisor A was only the supervisor (one of the two supervisors) of the thesis. Because the supervisor was not only involved during the writing of the thesis, but also during the handling of the plagiarism complaint at the BoE, resulting in an addendum to the thesis, the RIC considers the complaint against supervisor A (as staff member of TU Delft) admissible.

6.6 (Scope of assessment)

Complainants want an opinion of the RIC on whether or not there is plagiarism in the thesis, based on the standards described in 5.2.

However, as mentioned in 4.2, a full substantive test on the decision of the BoE will not take place, only a marginal test of the decision of the BoE will be carried out.

6.7 (Content)

In this case the RIC primary aim has been to reach a settlement, after the assessment by the BoE, where a number of adjustments had already been made by the student (first addendum).

The supervisor and the student subsequently made further adjustments in the context of this procedure by way of settlement, which went further than prescribed by the Examination Board. The supervisor, student and the BoE consider this still appropriate within the approved thesis (second addendum).

Complainants essentially proposed a third addendum on two points. But with this last proposal, again an extra correction on a few pages, a limit was reached for supervisor A and the BoE. In the context of a settlement, complainants should have gone along with the concessions that have been made already by supervisor A et al. A settlement involves a certain amount of giving in, showing flexibility, on both sides.

Without a settlement the RIC has to issue its advice with only a marginal test of the decision of the BoE, taking into account the legally inviolable decision of the BoE of 15 July 2020, which included an appeal clause. On 6 May 2021 complainants have been informed by the RIC that they did not appeal this decision of the BoE. The decision of the BoE does not conclude to plagiarism, but states that better referrals should be made in an addendum to be drawn up.

The RIC can follow supervisor A and the BoE in their opinion that no further amendments to the thesis were possible, certainly in view of the background of the legally established judgment by the BoE.

In the opinion of the RIC, a few extra references in a thesis do not affect the content and the assessment of the thesis, but there is a limit to the adjustments that can be made at a later stage, i.e., after the final judgment of the BoE. The RIC believes that TU Delft/A had already gone along with the wishes of complainants in many respects.

It cannot be ruled out that the student's reasoning is correct: the location had already been chosen before the start of the competition; and it is also demonstrable that the student has made her own contributions that complainants dispute; that she came up with a lot herself and only later became aware of the work of complainant (1). Student can reason that her thesis is not based on complainants work but wants to give complainant credits by referring to this work (addenda). The possibility that the student's work is based on complainants work is also possible. To assess that would require further investigation, however the 'truth' cannot always be found in a RIC investigation. And because of the legally inviolable decision of the BoE, there is no reason for further investigation.

6.8 (Conclusion)

The marginal test of the decision of the BoE leads to the conclusion that the complaint against the supervisor is unfounded.

The committee advises the Executive Board to decide as follows:

- The RIC and the Executive Board have no authority to handle the complaint against the student;
- That the complaint against supervisor A be declared unfounded.

8. Judgement Executive Board (10 July 2023)

The Executive Board agrees with the advice of the Committee, including the reasons stated in the advice.

The decision is that the complaint against supervisor A is unfounded; and that the Executive Board has no authority to handle the complaint against the student (B).

Since no complaint was submitted to the National Board for Research Integrity (LOWI) within the period of six weeks, the initial judgement of the Executive Board of 10 July 2023 is final.