

## **Plagiarism - grounded**

University of Humanistic Studies

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### **1. Subject matter**

Plagiarism

### **2. Advice of the Committee for Research Integrity of the Theological Universities and the University of Humanistic Studies in the Netherlands**

Advice for the Board of the University of Humanistic Studies with regard to the suspicion of plagiarism committed by [defendant] by working on his PhD thesis.

#### *Introduction*

On 24 August 2018 the rector of the University of Humanistic Studies sent a letter to the Committee for Research Integrity (CRI), installed by the Theological Universities and the University of Humanistic Studies in the Netherlands. The task and responsibility of the committee is to advise the university board in case of supposed violation of the research integrity by a researcher bound to one of these universities. In her letter the rector asked the CRI to start an investigation after she was informed about the suspicion of plagiarism committed by [defendant], one of the PhD students of the university. More specifically, [defendant] was accused of presenting results of research done by others without making proper references to the sources he used and thus tacitly pretending that they were based on his own research activities. Before making any decision about the measures that the board should take on the basis of this accusation, the rector asked the CRI to investigate:

1. Is this a case of plagiarism on a scale that it would be justified to speak of gross negligence with regard to research integrity norms?
2. Did [defendant], in his objections against the accusation, present new arguments that justify another qualification of the stated use of research results of others without proper references?
3. Is the obvious sanction (no admission to the defense of the thesis and to be removed from the Graduate School) in proportion to the committed facts with regard to the risks for research in general and the University of Humanistic Studies in particular?

#### *Procedure followed by the CRI after receipt of the request for advice*

After having received the request for giving an advice, the secretary of the committee confirmed the reception of it. The letter together with the attachments were sent to the members of the committee. The committee-members are: [member 1], [member 2], [member 3] and [member 4]. First the committee appointed a secretary, [secretary], and a chairman, [member 2]; then she decided about the admissibility of this request, especially the questions that were brought forward by the rector.

After a positive decision with regard to the admissibility of the request, the committee started an investigation. First the committee invited the supervisors of [defendant] to give some further reflections on the passages whereon the accusation of plagiarism was based. Especially the committee wished to be informed about the importance of these passages with regard to the presentation of his own conclusions based on his research activities. The committee received some reflections from the supervisors on 8 October 2018 (Attachment 1).

On 10 October 2018 the committee held an interview with [defendant]. After he had received the invitation to attend the committee he sent some complementary reflections in a letter, dated 2 October 2018 (Attachment 2). The interview took place by Skype, because [defendant] was staying in [country]. During the interview the committee asked [defendant] some questions and gave him the opportunity to share his view of the case with them. After the interview the secretary made a report of it. The report was sent for comments to [defendant]. His remarks were worked into the report after which it was declared definite. Beside his remarks [defendant] sent an explanation to clarify what he had brought forward in the interview, which is attached as an appendix (Attachment 3).

Based on what the committee has ascertained with regard to the documents that were handed over to them and with reference to the interview they had with [defendant] the committee has made her conclusions and has formulated her advice.

*The regulations in accordance with which the committee made their advice*

Since the issue rooted in ascertained facts and circumstances that took place with regard to a PhD study that was started before 1 October 2018 the regulations in accordance with which the committee has done their investigation and finally has formulated their advice are:

- The Netherlands Code of Conduct for Academic Practice (2014) (Attachment 4)
- De regeling voor de commissie wetenschappelijke integriteit van de levensbeschouwelijke universiteiten (Attachment 5)

*Facts and circumstances*

- [defendant] is a registered PhD Student at the University of Humanistic Studies and as such participant of the Graduate School. He was registered for the last [\*] years.
- Two supervisors are responsible for supervising [defendant]. One supervisor is prof. [supervisor 1], professor of the University of Humanistic Studies. The second supervisor is prof. [supervisor 2].
- In December 2017 both supervisors informed [defendant] in an e-mail about their observations of several passages in the work of their PhD student where he has committed plagiarism. They gave him a severe warning that plagiarism is a serious academic offence. Such an offence of research integrity norms will, after they are formally ascertained, automatically mean that he will fail for the doctorate exam. In the letter of December 2017 the promotors clarify the meaning of plagiarism as 'the actual using of someone else's words, the limited rewriting of others' words and the failure to acknowledge sources'.
- [defendant] made corrections in the text of his manuscript with the aid of a plagiarism software (Plagiarisma.net). After he did correct them, the supervisors approved the corrections and did not detect other suspect similarities between December 2017 and May 2018.
- [defendant] submitted the manuscript to the supervisors claiming that it did not contain plagiarism anymore. The plagiarism check of the University of Humanistic Studies supported his claim.
- In June 2018 the supervisors of [defendant] decided to send the manuscript of the PhD thesis to the assessment committee. On 10 June 2018 [member review committee], one of the members of the committee for review, stated he found an example of plagiarism in the manuscript. [supervisor 2] checked the manuscript using a scanner from the University of

[city]. He found some instances of plagiarism. On 12 June 2018 [supervisor 1] informed the rector that plagiarism was found in the manuscript of [defendant].

- The rector decided to withdraw the manuscript from review immediately and informed the assessment committee about her decision.
- [supervisor 1] sent a letter to [defendant] to confront him with the three demonstrated instances of plagiarism, the one identified in December 2017, the one identified by [member review committee], and the three identified by [supervisor 2] in various places in the manuscript. [supervisor 1] stated that this constitutes evidence of gross negligence and thus a violation of scientific integrity. Furthermore he stated that he lost his confidence in [defendant] as a researcher and therefore in the good outcome of his thesis.
- On 25 June 2018, 10.28 AM the rector sent a letter to [defendant]. She made clear to him that because of the ascertained plagiarism he automatically failed for the doctorate degree. She gave him the opportunity to defend himself against the accusation of plagiarism.
- On 25 June 2018, 1.31 PM [defendant] sent his defense to the rector. He stated that the ascertained plagiarism in the manuscript has to be ascribed to a lack of technological knowledge on his part. He stated that his mistakes weren't intentionally made.
- On 25 June 2018 2.45 PM the rector sent an answer to the defense of [defendant]. She stated that the argument of technological affairs couldn't convince her. She reproached him with using texts of others pretending their words were his own. The matter is not whether one can fool plagiarism detection software, it's whether or not plagiarism was at stake. Secondly she reminded [defendant] that he had been warned before, in December 2017. The rector informed him about her conclusion: [defendant] has committed plagiarism on a scale that justifies the qualification 'gross negligence'. As a consequence of that conclusion she had decided to advise the Board for doctoral examinations not to allow [defendant] for the defense of his thesis. Secondly she had decided to advise the Board for doctoral examinations to remove him as participant of the Graduate School.
- Before she would ask the Board for doctoral examinations to make a final decision, the rector sent a request to the Committee for Research Integrity to give an advice.

#### *Arguments of defense made by [defendant]*

- Based on his letter from 2 October 2018 and on what he stated during the interview on 10 October 2018 as well, the committee determined the following arguments of defense made by [defendant]:
- He had no intention at all to lie or cheat others by using texts of other researchers for the benefit of his own work. [defendant] makes a difference between public and non-public sources. Non-public sources are all the published texts which are only available and accessible in a printed copy that has to be bought or subscribed to. Public sources are texts placed on the internet. Placing them on the internet means making them available for free use by researchers for their own research activities. These texts are made available for making them part of the manuscript the researcher is working on, by integrating passages of them into the manuscript of a thesis. Integrating these parts takes place by reformulating them – more or less – in the researcher's own words. [defendant] emphasizes he followed this procedure in writing his manuscript.
- [defendant] regards a plagiarism-scanner as a tool for researchers to check for passages in a manuscript that bear too many similarities to published results of other researchers. On the basis of the outcome of the analysis of the scanner a researcher can make necessary reformulations. This is how he used a plagiarism scanner while writing his manuscript.
- [defendant] sees himself as a victim of a non-adequate scanner used for the first check in December 2017 by his supervisors. Besides, he has to deal with a lack of technology and technological skills, so that he wasn't able to use a more sophisticated scanner like the one [supervisor 2] had later at his disposal in [city]. This caused the situation that he couldn't identify all the passages that retrospectively had too many similarities to texts of other

researchers before submitting the manuscript for review to his supervisors. Had he been able to use an adequate scanner, the whole problem would not have existed.

- Further [defendant] states that, using another scanner than that of the University of Humanistic Studies, he now is being judged by a different tool by which no one else in his group has been judged. Everyone else got their PhD degree by the assessment of the plagiarism scanner of the University of Humanistic Studies. He insists that by this standard his thesis, both in content and originality, passed the university screening test.
- [defendant] considers a supervisor to be responsible for making him a better scholar. This means a task for the supervisor to inform his PhD student about imperfections in the thesis he's working on. An example of an imperfection to be pointed out by the supervisor is the ascertaining of too many similarities between passages in the thesis and the work of other researchers without making proper references. If the supervisor signals the mistakes, the PhD student is able to correct them. In December 2017 the supervisors made [defendant] aware of some mistakes in his thesis. After he corrected them, they approved the corrections and did not detect other suspect similarities between December 2017 and May 2018. If a proper plagiarism scanner had been used, the supervisors would have been able to point to the other passages that after a second analysis in June 2018 came forward as parts of the thesis that could be qualified as plagiarism. He reproaches his supervisors for give a full identification of the passages that should be corrected.
- [defendant] wishes to make clear that the level of similarities was much below the acceptable level of 5% to the University of Humanistic Studies. Out of a total of over 140,000 words in his thesis a mere 3,949 words consisting of only 2% were flagged as plagiarism.
- [defendant] complains about the unlawful, illegal and unauthorized exposure of his thesis to the public by depositing it in the Depository of the University of [city]. In his opinion this has made his thesis a published work.

#### *Considerations and conclusions by the Committee*

- [defendant] convinced the committee that he sincerely had no intention to lie or cheat by using texts of others pretending them to be his own work. However, the explanation of the procedure he followed when he was working on his manuscript, especially his use of what he considers to be public sources, makes clear that he bases his way of making benefit of research results of others for his own work on the wrong assumption. It seems that he has the conviction that texts made accessible on the internet don't have a proper "authorship" and therefore can be used freely, in contrast to printed texts.
- The committee notes that [defendant] has an opinion on what plagiarism is that is at odds with the accepted definition of plagiarism. Plagiarism must be defined as the use of another person's idea or a part of that person's work and the pretence that it's one's own. Pretending that it's someone's own idea takes place when a part of another's work has been used without referring to the original author. The kind of the source nor the way the source has been made accessible is relevant for deciding whether plagiarism is committed or not. When the supervisors in December 2017 found out that several passages of [defendant]'s thesis contain the results of research done by others without a proper reference to the sources he used for integrating them in his thesis, they explained to him that he had to develop his own argument in his own words and should acknowledge the work of others. This means that in December 2017 his supervisors made clear to [defendant] what the correct definition/interpretation of plagiarism is. [defendant] should have realized himself that his opinion on the relevance of the kind of source to decide if one should speak of plagiarism wasn't right.
- [defendant] states he is a victim of a non-adequate plagiarism scanner, so that he couldn't identify all the passages with too many similarities to texts of other researchers. For him a plagiarism scanner is a useful tool for researchers to identify parts of the analyzed document that have to be revisited to avoid too many similarities. Furthermore he states that by using a scanner that is different from the one that is used at the University of Humanistic Studies he

- is being judged by a different tool than anyone else who is doing research at this university. The committee finds this counter-argument not convincing. It misjudges the importance of honesty and scrupulousness as main principles of conducting research. As The Netherlands Code of Conduct for Academic Practice states it, 'Accurate source references provide a clear indication of the intellectual provenance of cited and paraphrased text. This also applies to information gathered from the Internet and from anonymous sources. The texts and research results of others are never reproduced without a reference.' This principle of conduct makes clear that avoiding non-accurate source references during working on an academic manuscript should be in mind from the very start of a research project. For conducting research aligned with the principle of honesty it's not enough to make a retrospective analysis of a final concept to trace too many similarities to texts of other researchers. In any case one couldn't possibly state that when a plagiarism scanner doesn't identify a passage as plagiarized it can't be assigned as plagiarized at all.
- [defendant] states that it is the responsibility of a supervisor to make a scholar a better researcher. The committee agrees with that. However, the committee doesn't agree that this also means that a supervisor has the responsibility to check a text written by the scholar on every possible passage that could be assigned as plagiarized. Especially when it comes to supervising a PhD student, the supervisor could expect that he or she is aware of the main principles of conducting academic practice. As far as it should be considered the responsibility of an academic supervisor to make strong efforts to avoid any plagiarism of a scholar, this responsibility has to be applied in the case of supervising a bachelor or master student. The committee considers it the first responsibility of the supervisor of a PhD student to adjudicate whether the line of thought in a thesis is consistent enough. It is one of the main responsibilities of the PhD student to practice his or her research activities in coherence with the principles of good conduct for academic practice. [defendant] cannot transpose this responsibility to his supervisors.
  - [defendant] defends himself against the accusation of plagiarism by referring to the limited level of similarities. In his thesis the level of similarities was 2%, which is below the acceptable level of 5%. The committee confirms that a similarity level of less than 5% is below the line above what makes a manuscript almost totally plagiarized. His plagiarism was in particular in chapter 1 and 2. However, a similarity level of 2% still means too many similarities to ignore. This level legitimizes the conclusion that the analyzed text contains a substantial part of plagiarized passages. The committee holds the 2% level of similarities against [defendant] because he was explicitly warned against committing plagiarism in December 2017. This warning should have made him alert to avoiding any further plagiarism in the procedure of working on his manuscript for the following months. The conclusion of his supervisors after they analyzed the thesis for plagiarism in June 2018 (after a member of the assessment committee found plagiarism) makes clear that [defendant] continued his way of working after December 2017. By doing so he took the risk that he would be accused of plagiarism once again. More importantly, he continued a research practice that must be described as contrary to the principle of honesty. The committee reproaches [defendant] for not trying to find out in what way he could improve his working procedure after his supervisors warned him against plagiarism. Instead [defendant] reproaches his supervisors for not giving him a full identification of the passages that should be corrected.
  - [defendant] complains about the unlawful, illegal and unauthorized exposure of his thesis to the public by depositing it in the Depository of the University of [city]. In his opinion this has made his thesis a published work. The committee doesn't share the opinion of [defendant] that by analyzing his thesis with the plagiarism scanner that is in use at the [city] University his thesis has been made public. The committee itself couldn't get public access to his thesis.

#### *Conclusions of the Committee*

The committee concludes that [defendant] – although he hadn't the intention to lie or cheat – actually committed plagiarism in his thesis. He obviously thinks that a researcher can copy

passages from the internet without mentioning the author, critically discussing the results, and giving his comments. This means he used another person's idea or a part of that person's work and pretended or at least illegitimately suggested that it's his own. The plagiarism he committed is based on a wrong definition of it, as the committee stated above. Referring to the inadequacy of the plagiarism scanner as the cause of the existing of plagiarized passages in the thesis misjudges the basic responsibility of himself as researcher to avoid any plagiarism from being found in his work. This responsibility cannot be transposed to his supervisors.

The supervisors stated 'that the weight of the plagiarized passages is considerable. A large part of the literature review is plagiarized, most of the methodology; as well as parts of the conclusions. The plagiarism in both the literature review and methodology involves taking whole sections from the PhD thesis and passing them off as the candidate's own work, with no acknowledgement or any reference to the original authors in the references.' This brings the committee to the conclusion that although the level of similarities is said to be 2% , the qualitative weight of these passages is considerable. This conclusion is confirmed by the statement of the supervisors that 'to bring the thesis to an acceptable level, the literature review and methodology would have to be completely rewritten, and approximately 50 percent of the conclusions.'

Based on the above considerations, the committee concludes that this is a case of 'gross negligence'.

#### *Advice of the committee*

The committee advises the board of the University of Humanistic Studies to take proportional measures that could be based on the conclusion that [defendant] committed plagiarism in a way that justifies the qualification 'gross negligence'.

Given this outcome of our investigations, it is clear that the board of the University of Humanistic Studies was right in judging that the thesis of [defendant] had to be withdrawn from the examination committee. If the Examination Board of the University of Humanistic Studies should nevertheless consider giving [defendant] permission to defend his thesis, the committee advises to do so only on the following conditions: a) the total amount of plagiarized passages per chapter appears to be no more than 2% of every single chapter of the thesis and affects only the framework; b) [defendant] will be able to eliminate autonomously all the plagiarized parts of his thesis.

By making a decision of a proportional measure it's reasonable to take notice of the conclusion of the supervisors of [defendant] that 'the candidate does not seem, despite their repeated efforts, to be able to understand what academic ethics and/or responsibility entail'. The committee had to ascertain this conclusion with reference to the defense of [defendant], which is mainly based on assigning to the inadequacy of plagiarism scanners as the reason why he sees himself as victim of inappropriate software. This defense makes clear that [defendant] still isn't aware of his own responsibility as a researcher to conduct academic practices in accordance with generally accepted principles for this, especially the principles of academic self-dependency and honesty.

The committee wants to share the following observations: [defendant] submitted a part of his thesis in December 2017 to his supervisors. In December 2017 [defendant] had already been a PhD student for [\*] years. The committee finds it striking that clearly before December 2017 there had been no signs of plagiarism committed by him. The documents that were handed over to them bore no indication of that. The committee didn't investigate whether there had been any plagiarism or not in the years before December 2017. Nevertheless the committee wants to connect the following suggestion to this observation. To ensure that a PhD student who has a registration at the University and takes part in the Graduate School is aware of the principles of

academic ethics, the Examination Board of the university should explicitly refer to the Code of Conduct for Academic Practice after every single PhD registration. The committee wonders whether the University had explicitly referred to the Code of Conduct when [defendant] started his research project. Moreover it seems recommendable to integrate classes on principles of research integrity in the Graduate School. This would probably decrease the risk of the commission of plagiarism by PhD students who are not sufficiently aware of these principles at the start of their research project.

On behalf of the Committee for Research Integrity,

chairman

secretary of the committee

### 3. Initial ruling of the Executive Board

To [defendant]

Utrecht, 7 November 2018

Concerns: ruling Executive Board on assessment of plagiarism

Dear [defendant],

The Executive Board of the University has studied the report that was drawn up by the *Committee for Research Integrity of the Theological Universities and the University of Humanistic Studies* after your appeal against the decision of the Board for the Conferral of Doctoral Degrees (BCDD) to terminate your registration as a doctoral candidate. This report has been sent to you by the committee.

The committee concludes you committed plagiarism and considers this a case of gross negligence. The committee also points out you are still unaware of your “responsibility as a researcher to conduct academic practices in accordance with generally accepted principles for this, especially the principles of academic self-dependency and honesty”.

The Executive Board has therefore decided to confirm the decision of the BCDD to terminate your registration as a doctoral candidate. This implicates that you are no longer able to obtain a PhD-degree at the University of Humanistic Studies now or in the future.

Although the Executive Board strongly feels this to be an appropriate measure that fits your infraction of cardinal principles of scientific integrity, we have to inform you that it is possible to submit a final petition to the so-called *Landelijk Orgaan Wetenschappelijke Integriteit* (LOWI). Such a petition should be submitted within six weeks commencing on the day on which this ruling is dated. If the LOWI decides your petition to be eligible for consideration it will formulate an opinion which will be considered by the Executive Board of the University. For more information about the LOWI and submitting a petition you are referred to the website of the LOWI <https://www.lowi.nl/en/your-petition>.

If no petition is submitted or the petition is dismissed by the LOWI this ruling by the Executive Board is final.

On behalf of the Executive Board of the University of Humanistic Studies,

Member of the Executive Board

**4. LOWI**

[Defendant] did send a request to the LOWI. The LOWI ruled on 5 February 2019 the request to be inadmissible. The LOWI decided not to advise the Executive Board of the University of Humanistic Studies on its ruling of 7 November 2018. The decision of the LOWI is published on <https://www.lowi.nl/nl/Adviezen> as LOWI-besluit 2019, nr. 2.

**6. Final ruling of the Executive Board**

As the LOWI decided the request of [defendant] inadmissible and decided not to advise the Executive Board of the University of Humanistic Studies on its ruling, the ruling of the Board of 7 November 2018 is final.