

RECOMMENDATION

Case: **AIC 2015 – 03**

in the matter of the complaint submitted by

Complainant: [name complainant]

against

Defendant: [name defendant]

In these proceedings, the Academic Integrity Committee of Leiden University ('the Committee') was composed as follows:

- T.G. Drupsteen, LL.M., chair,
- Prof. T.M. Willemsen, member,
- Prof. E.P. Bos, member,

- M.A.C. de Boer, LL.M., secretary.

The course of the proceedings

On 25 March 2015 the Complainant submitted a complaint by email regarding a suspected violation of academic integrity.

In a letter of 21 April 2015, the Committee asked for further substantiation of the complaint.

On 29 August 2015, received on 22 October 2015, the Complainant further substantiated his complaint.

In a letter of 12 November 2015, the complaint was notified to the Executive Board and to the Dean of the Faculty of Humanities.

In a letter of 24 November 2015, the complaint was notified to the Defendant.

On 25 November 2015 the Defendant submitted a response.

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On 14 January 2016 the Committee reported to the Complainant and the Defendant that, on the basis of its own investigation, it felt able to arrive at a recommendation, but that both parties could make use of their right to be heard.

On 7 March 2016 the Defendant informed the Committee that he would appear at a hearing.

On 10 March 2016 the Complainant informed the Committee that he did not wish to make use of a hearing via Skype.

In a letter of 10 March 2016, the Committee, at the request of the Defendant, invited [name witness] to give evidence as a witness.

On 15 March 2016 the Defendant was heard by the Committee in the presence of his authorised representative. His written pleading is appended to this recommendation.

The PhD Supervisor did not appear at the hearing, and did not give notice of absence.

Complaint

The complaint, in short, is as follows.

According to the Complainant, the Defendant violated academic integrity in his PhD dissertation of [year] “[Title PhD dissertation]” [(name PhD Supervisor)] by plagiarising passages of text. To explain his complaint, he indicated in Chapter [number] of the dissertation, with underlining and with short, sometimes rather unclear notes in the margin, what the problematic passages in that chapter are. The underlined passages are passages that were highlighted by the Turnitin programme as being the same as other sources (books or essays). The Complainant says that sources are sometimes given for these passages, but there is often failure to use quotation marks.

The Complainant particularly indicates the last paragraph of Chapter 2 of the dissertation, which in his view draws on the work of [author A and title].

The Complainant also mentions appropriation of certain passages from the work of [author B] and the work of [author C].

On the basis of his findings in “Chapter 1 [title], the Complainant suspects that there is also a likelihood that in the subsequent chapters, in the case of material in the [language A] language or with sources in [language B], there will be violations of academic integrity. These last-mentioned sources cannot be checked via Turnitin.

Admissibility

The complaint meets the requirements stipulated by the Academic Integrity Complaint Regulations of Leiden University (hereafter: the Regulations) and is therefore admissible.

Legal framework

Pursuant to Article 4, paragraph c, of the Academic Integrity Complaint Regulations of Leiden University ('the Regulations'), the Committee has the task of making recommendations to the Executive Board about complaints relating to suspected violation of academic integrity.

In Article 1 of the Academic Integrity Complaint Regulations of Leiden University (hereafter: the Regulations), violation of academic integrity is defined as:

“Actions or omissions that conflict with the Netherlands Code of Conduct for Academic Practice, which includes at the very least the practices mentioned in Appendix 1.”

The Appendix to the Regulations specifies which types of conduct are in any case understood to constitute violation of academic integrity:

*3. Plagiarism of publications, or parts of publications, and results of third parties
Academia can only work on the basis of an honest recognition of the intellectual property of every individual's own contribution to knowledge. This holds for the whole range of academic work, from student essays and theses to academic publications and dissertations. Plagiarism is not limited to literal copying: it also includes paraphrasing, failing to include notes or references, the covert use of data, designs or tables gathered or created by other parties. Copyright laws offer victims of plagiarism the opportunity to seek redress in a court of law, but even if there is no (longer a) direct victim, the researcher can still be sued for plagiarism.*

Opinion

The Committee is required to give an opinion on the complaints expressed by the Complainant. The Complainant claimed that there is suspicion that the Defendant committed plagiarism in his dissertation.

At the hearing of the Committee, the Defendant gave a further explanation.

The Committee considered first that the complaint concerns suspected plagiarism in the dissertation. The Committee also observed that the complaint relates to the negligent handling of paraphrasing of passages of text, and to the appropriation of certain passages of text (e.g. from the work of [author B], pp.54-56 and the work of [Author C], pp. 61-62 of the dissertation).

The Defendant's entire dissertation was checked for plagiarism by the Committee, using the Turnitin programme. This resulted in the following findings.

According to Turnitin, the dissertation contains 14% of text that corresponds verbatim with text from other sources. This is not an uncommon proportion, and further investigation is usually only conducted for 20% or more.

Most of this corresponding text was found to be correctly identical to that in other sources. Because the dissertation gives the full titles of publications both in footnotes and in the bibliography, and because it includes an appendix of five pages that presents the existing text of a Charter, much of the correspondence is already explained. Many quotations are also indicated as such by means of quotation marks or indentation of the quoted text, and by stating the quoted source.

Definitions are sometimes quoted verbatim without this being stated as such or indicated with quotation marks. However, the relevant sources are always correctly given.

On the basis of its careful study of the Turnitin report, the Committee has only gained a suspicion of plagiarism concerning the last paragraph of the dissertation. With regard to this last paragraph of Chapter 6 (p. 260) of his dissertation, the Defendant explained at the hearing that in this paragraph he names "[author D]" as the source. By doing this, he wishes to make clear that the passage comes from [author D, title and year]. In earlier parts of his dissertation, he has often referred to [author D] ([author D]) because this is an important source. The Defendant comments that the text in this last paragraph certainly cannot be from [author A, title and year]", because that publication dates from 1982.

However, the Committee established that Jeffery's text is a literature review that also includes [author D], and the last paragraph in many cases contains exactly the same phrases as the last paragraph of the dissertation, including the reference to [author D].

The Complainant alleges that the Defendant appropriated "the work of [author C]", among others. The pages that are mentioned contain passages of text from a publication of [author C]. The Committee observes that with all the passages it is explicitly stated that their source is "[author C]". The same applies for the passages where "[author B]" is stated as the source.

In view of the above, the Committee's opinion is that the Defendant sufficiently makes clear the origin of the passages that are highlighted via Turnitin, by usually

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referring in the correct way to the sources concerned and making use of indented passages in his dissertation. However, the last paragraph of Chapter 6 forms an exception to this.

In view of this circumstance, the Committee is of the opinion that the Defendant has literally taken over without proper citation, “publications, or parts of publications, and results of third parties” only in one paragraph of his dissertation. The Committee does not consider this one paragraph to be sufficiently substantial to conclude that the Defendant violated academic integrity. The Committee’s opinion is therefore that the complaint is unfounded.

Although the Committee’s opinion is that academic integrity was not violated, it is necessary to make consistent use of quotation marks or indentation in order to indicate a quotation.

Recommendation of the Committee

In view of the above, the Committee advises the Executive Board to:

- Declare the complaint **unfounded**;
- Urgently suggest to the Defendant, in consultation with the PhD Supervisor, [name supervisor], that he should amend the last paragraph of Chapter 6 of the dissertation, so that it is incontrovertibly established that this paragraph is made up of quotations from [author A] publication; or that he should remove this paragraph entirely.

Established on 11 May 2016.

On behalf of the Committee,

T.G. Drupsteen, LL.M.
chair

M.A.C. de Boer, LL.M.
secretary