

Summary of LOWI opinion 2015-02

This opinion concerns a possible violation of the principles of research integrity in which a Complainant who remained completely anonymous complained to the Board about possible plagiarism by one or more researchers.

Anonymous complaints

As a matter of principle, the LOWI deems it undesirable for a Complainant to maintain *complete* anonymity – meaning that no one knows the identity of the individual involved – in complaints concerning possible violations of the principles of research integrity. That is in part why the LOWI requires Petitioners to identify themselves under Art. 7.5 of its Regulations for a complaint to be admissible. In so far as an Institution's complaint procedure allows for anonymous complaints, the LOWI considers that the Board of such an Institution must proceed with great caution when exercising the competence to review (completely) anonymous complaints. The requirements of transparency, the right of defence, and the right of both parties to be heard are naturally prohibitive factors for complaints that are completely anonymous. The interests of a Complainant who wishes to remain anonymous can best be served by a satisfactory whistleblowers system and by the undertaking to maintain confidentiality, whereby the Defendants and/or the Committee do not know the name of the Complainant (in this specific case), but the Board does. In such an approach, the anonymous Complainant (in this case) can be held responsible for adhering to the duty of confidentiality to the same degree as the other parties involved. The Board can also hear the anonymous Complainant (in this case) separately, after which the Defendant has the opportunity to respond (in writing) to the minutes of the hearing. That would uphold the right of both parties to be heard and the right to defence, comply with the requirement of transparency, and serve the interests of both the anonymous Complainant (in this case) and the Defendant. Only under (extremely) rare circumstances may a situation arise in which a Complainant must remain completely anonymous, with the Board therefore also being unacquainted with the Complainant's identity. It is up to the Board to determine, in the first instance, whether such exceptional circumstances apply. The anonymous Complainant must, however, give reasons for his or her wish and need to remain completely anonymous, and the Board must explain why it has decided to comply with the Complainant's request in that regard. That is especially pertinent for Institutions that subscribe to the Memorandum on Scientific Integrity [*Notitie Wetenschappelijke Integriteit*] 2001, i.e. the Royal Academy (KNAW), the NWO and the VSNU. The Memorandum states explicitly that "anonymous complaints cannot be considered" (p. 10).

Plagiarism

Plagiarism does not include (i) copying a small number of words verbatim that are exclusively descriptive or factual in nature; (ii) general, purely factual descriptions of a ruling that leave little scope for deviation, so that certain facts must be conveyed in similar terms; and (iii) allusions to sources made in the text in such a manner that it is clear to readers that texts have been taken from those sources (see LOWI opinion 2014-08).

In considering whether plagiarism has been committed in a manner that violates the principles of research integrity, it is necessary to (1) first examine whether a text has been copied verbatim (word-for-word) or conceptually without reference being made to the sources, either in the text itself or in some other manner; and (2) determine whether this action can be qualified as plagiarism based on the circumstances of the case. The determining factors in this connection are the context in which the action has taken place and the relevant individual's intention (although judgement should not be limited to these factors). That intention can also be discerned implicitly from (1) the

scale of the plagiarism (see LOWI opinions 2008-1 and 2014-10, cases in which the authors had translated large blocks of text literally from another language without referring to the source in the text itself or in any other manner); or (2) the copying of sections of texts (see LOWI opinion 2014-10) that include the same references to secondary sources. Even if plagiarism has not been committed, the foregoing does not imply that the actions of those involved are not culpably negligent, whereby a repeated pattern of such actions would qualify as a violation of the principles of research integrity (see LOWI opinion 2014-08). Such actions can be also be deemed (culpable) negligence without their having violated the principles of research integrity.

On 23 June 2015, the Board resolved to:

1. adopt the LOWI's opinion, with the exception of the LOWI's ruling (point 5.1) concerning the injudicious manner in which the Board had publicised the case.
2. reconsider its preliminary decision of ... 2014 and to revoke the sanction of withdrawing the article; instead, the Board decided to ask the four co-authors to state that they would henceforth apply a method that makes the author of a text or the originator of a concept clear to all readers.