



**Forsknings- og  
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Teknologi og Udvikling

## The Danish Committees on Scientific Dishonesty

### Annual review 2008

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## **Preface for DCSD's annual review 2008**

The Danish Committees on Scientific Dishonesty (DCSD) hereby present their annual review for 2008.

During 2008, seven cases have been brought which have all been processed according to executive order no. 668 of 28 June 2005.

Each of the three committees of the DCSD has in 2008 processed one case. The DCSD has furthermore dismissed four cases.

In the cases processed in the Committee on Scientific Dishonesty for Research in Cultural and Social Science (UKSF)<sup>1</sup> and the Committee on Scientific Dishonesty for Research in Health Science (USF)<sup>2</sup>, there were no bases for the Committees to express dishonesty. In the case brought before the Committee on Scientific Dishonesty for Research in Natural, Technological and Manufacturing Sciences (UNTPF)<sup>3</sup>, it was indicated that the defendant had displayed wilful or grossly negligent scientific dishonesty, cf. section 2, no. 1 of the executive order, especially in the form of undisclosed construction of data or substitution with fictitious data, which had resulted in improper misguidance about own scientific efforts.

In 2008, the DCSD has dismissed the processing of four cases on the basis of the cases not being subject to the DCSD's jurisdiction. In three of these cases, dismissal had to be made as the complaint did not involve a scientific product. In the last case, which was a case about name-clearing, cf. section 1 subsection 4, cf. section 4, subsection 1, second sentence of the executive order, the case was dismissed as the relevant person was not

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<sup>1</sup> Case no. 1

<sup>2</sup> Case no. 2

<sup>3</sup> Case no. 3

scientifically educated within the research area which the relevant product of the case concerned.

In 2008, the executive order on the Danish Committees on Scientific Dishonesty was amended. With the amendment, the DCSD's definition of "scientific dishonesty" was specified<sup>4</sup>, so that scientific dishonesty now means falsification, plagiarism and other serious violation of good scientific practice which has been committed wilfully or grossly negligent by planning, performing or reporting of research results.

The amendment of the executive order furthermore means that it is no longer a requirement for the complainant to be party to the case in administrative terms<sup>5</sup>. Accordingly, it is no longer a requirement for the complainant to have significant individual lawful interest in the actual case in order to bring it before the DCSD. The circle of people which may now bring cases before the DCSD has in other words been extended.

Furthermore, the DCSD has extended its sanctioning powers to comprise the possibility of notifying the contributor if the committees find that scientific dishonesty exists in an application for contribution from public research grants<sup>6</sup>.

High Court Judge Poul Lodberg was Chairman until 1 September 2008.

I look forward to good and productive cooperation with the DCSD members, alternates and secretariat in 2009.

Henrik Gunst Andersen  
High Court Judge  
Chairman of the DCSD

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<sup>4</sup> Section 2 of executive order no. 1122 of 24 November 2008

<sup>5</sup> Section 4 of executive order no. 1122 of 24 November 2008

<sup>6</sup> Section 15 subsection 1 no. 4 of executive order no. 1122 of 24 November 2008

## **Cases processed in 2008**

### **Cases completed in 2008**

All cases in 2008 have been processed according to executive order no. 668 of 28 June 2005 about the Danish Committees on Scientific Dishonesty (hereafter "DCSD"). The provisions indicated in the summaries all refer to the executive order on the DCSD.

#### **Case no. 1**

In August 2006, a named person complained to the DCSD about another named person for scientific dishonesty in the form of plagiarism, cf. section 2 of the executive order on the DCSD. The defendant had published an article in a journal which according to the complainant had been copied from the complainant's thesis. According to the complainant, the defendant had not referred to the thesis and the defendant presented the contents of the article as his own. The DCSD had jurisdiction to process the case, cf. section 1 subsection 4.

The case was processed in the Committee on Scientific Dishonesty for Research in Cultural and Social Science (UKSF). The defendant stated that no plagiarism had taken place as the information used by the defendant in the article had been obtained from legal usage and furthermore was available from other known legal works. The defendant's opinion was that the information used was not the result of the complainant's independent research in connection with the complainant's thesis.

UKSF took into account that prior to the preparation of his article, the defendant was knowledgeable of the complainant's thesis and had attended his thesis exam. UKSF furthermore took into account that there were close areas of contact between the contents of the thesis and the defendant's article.

Both parties had decided to process the same particular subject within a particular legal area where conventional use and re-use of subject areas, systematic and problems is obvious. The relatively narrow subject area processed by the thesis and the article was processed in scientific literature and practice descriptions which were to be considered very well known by both parties.

Irrespective of the limited publishing of the thesis, the DCSD found it regrettable that the defendant in his article did not consider it necessary to refer to or relate to the complainant's thesis. However, the DCSD did not find the omission of the defendant in publishing the article as being dishonest in terms of the executive order. Accordingly, the DCSD did not find that copying had been performed in any place. There were no grounds for doubting whether the complainant had performed an independent piece of work on his article.

## **Case no. 2**

In April 2007, an association addressed the DCSD. In the inquiry, the association complained about a group of health science authors for dishonesty in the form of undisclosed biased or distorted interpretation of own results and conclusions, alternatively undisclosed selective or concealed cassation of own unwanted results, cf. section 2, no.s 4 and 2.

DCSD had jurisdiction to process the case, cf. section 1 subsection 4. The case was processed by the Committee on Scientific Dishonesty for Research in Health Science (USF).

The background of the complaint was that, according to the complainant, the group of authors had distorted the scientific message in

two articles in specialist journals by presenting and interpreting the data basis which the group of authors had applied as basis for the conclusion of the articles. According to the complainant, by publication of a survey of clinical publication rights, the group of authors had concluded that sponsors of industrially initiated clinical trials limit the publication rights. According to the complainant, this conclusion was not supported by the data materials applied by the group of authors.

By review of the two articles, however, the USF did not agree in the complainant's opinion. The USF did not find that the article and conclusion of the group of authors contained allegations of wrongful restrictions of publication rights having been made. The contents of the articles were a professional discussion of whether there was a possibility of sponsors limiting publication rights.

The USF asked the complainant to specify the complaint. In his response, the complainant referred to the data basis of the study being incomplete. However, it appeared from the articles that they had been based on a more closely specified number of trial protocols which had been compared to subsequent publications. The group of authors had furthermore described the data materials forming the basis of the study. The DCSD accordingly did not find reason for a more specific assessment of the contents of the data materials.

The DCSD did not add significance to the fact that the group of authors had not presented the trial protocols mentioned in the articles. The DCSD did not find the actions of the group of authors scientifically dishonest under section 2.

### **Case no. 3**

In February 2007, a scientist filed a complaint against another scientist at the institution where they were both employed. According to the

complainant, the defendant had acted scientifically dishonest during work on the data processing forming the basis of a more closely specified article of which the defendant was co-author. The complainant's complaint was especially focused on manipulation of measurement results in a certain table of the article.

The DCSD had jurisdiction to process the complaint, cf. section 1 subsection 4.

The case was processed in the Committee on Scientific Dishonesty for Research in Natural, Technical and Manufacturing Science (UKSF). The UNTPF processed the complaint on the basis of the concrete protest against the more closely defined table, cf. section 2, no. 1.

The defendant explained that the issue was some errors of calculation in some of the standard deviations repeated in the table. The defendant had published an erratum in a specialist journal relating to the table.

In order to enlighten the case, the UNTPF reviewed a number of theses for which the defendant had been supervisor. However, the UNTPF did not find the theses applicable for enlightening the case. Then the UNTPF asked the defendant to comment on some concrete points of complaint relating to the standard deviations of the table.

The UNTPF found the explanation provided by the defendant about the errors in the table unsatisfactory. However, the UNTPF agreed to the defendant's point that errors had also been committed in standard deviations of the same category published by other authors by use of an incorrect formula. However, the errors in the relevant table, with the exception of the values quoted from a more closely specified reference, could not be attributed to the use of an incorrect formula.

In order to enlighten the case in further detail, the UNTPF performed an analysis of the table which the defendant was asked to comment. The defendant explained how the standard deviations of the table had been calculated. Then, the UNTPF tried to reproduce the figures of the table, but still found discrepancies. The UNTPF accordingly asked the defendant to submit further elaborating comments to explain the discrepancies of the table.

The UNTPF stated that the majority of the stated total standard deviations of a specific column of the table were clearly lower than could be explained by the figures in two other columns of the table on which basis the figures had allegedly been calculated.

In lack of access to raw data, the UNTPF was not able to determine the precise values. In two events, however, it was possible by an algebraic proof to show that the figures provided could not be the result of a calculation. The UNTPF agreed to the defendant's point that a certain correlation existed between the measurement values of each column. Such correlation, however, did not contest the fact that the validity of the algebraic proof of the figures stated were not the result of a calculation, and accordingly, the figures had to have been manipulated.

Concretely, the complainant had claimed that a considerable amount of raw data had not been included in the data processing. The UNTPF was not able to concretely test this allegation without requesting a comprehensive set of raw measurement data. The UNTPF refrained from doing so, among other things, as the defendant was no longer employed at the relevant institution. However, UNTPF did not find the defendant's attitude towards the allegations sufficiently concrete for the UNTPF to be able to reject it

Neither in the defendant's erratum nor in the case correspondence did the UNTPF find an explanation of how the total standard deviations of the table had appeared. After the UNTPF's testing of the standard deviations, it was to be concluded that at least two of the figures reported in the table could not be the result of a calculation. The defendant had explained that a co-author had performed all measurements and calculations.

The critique of the UNTPF, however, aimed at the fact that figures had been added which did not result from neither measurements nor calculations. The defendant had also explained that the difference between the expected figures and the figures indicated in the table was so small that the error was easily overlooked. However, the expected figures were considerably higher than the figures indicated in the said erratum, and therefore, the error could not be overlooked.

On the basis of the review and the calculations of the case materials, the UNTPF found that, by publishing the table, the defendant had performed wilful or grossly negligent scientific dishonesty as defined in section 2 of the executive order on the DSCD, especially in the form of undisclosed construction of data or substitution by fictitious data, cf. section 2, no. 1, which had resulted in improper misguidance of own scientific efforts.

#### **Case no. 4**

By an inquiry in September 2008, the DCSD was requested to decide whether a named person as well as the Supervisory Board of a health care society had violated Danish law by having indicated in a rejection of the complainant's application for acceptance in the society that the complainant's attitude towards a certain disease being treatable with a diet instead of a more closely specified pharmaceutical was lethal

to the more closely defined group of patients who would think of observing the diet recommendation.

In his inquiry, the complainant also criticised a number of statements from different named persons relating to treatment of the more closely defined disease with the more closely defined pharmaceutical, including an article on prevention of the said disease written by a named professor. It appeared from the complainant's inquiry that the complainant found that a diet should be used instead of the relevant pharmaceutical in connection with the treatment of the relevant disease.

The DCSD rejected the case as it fell outside the DCSD's jurisdiction, cf. section 4 subsection 3, cf. section 1 subsection 4 of the executive order on the DCSD.

The DCSD emphasised that the inquiries concerned disagreement relating to the more closely defined pharmaceutical's effect on a more closely defined group of patients. The inquiries did not concern report of scientific dishonesty in a concrete scientific product as the concept has been defined in section 2 of the executive order on the DCSD.

The DCSD has no jurisdiction to assess the validity of general advice and recommendations about food and health. The DCSD furthermore noted that the DCSD has no competence to decide upon rejections of acceptance in the more closely defined health care society.

### **Case no. 5**

In September 2008, the DCSD received an inquiry from a person requesting the DCSD to decide on accusations of scientific dishonesty. The accusations had been made in connection with a cultural scientific article which the relevant person had printed in a journal.

The person indicated in his inquiry that he was not scientifically educated within the sphere to which the article related.

It appears from the executive order on the DCSD section 1 subsection 4, cf. section 4, subsection 1, second sentence that persons who want their names cleared of accusations of dishonesty must be scientifically educated within the research area to which the scientific product in the case relates. Accordingly, the DCSD had to reject the case as it was assessed in advance to be falling outside the DCSD's jurisdiction, cf. section 4, subsection 3.

#### **Case no. 6**

In September 2008, a professor addressed the DCSD as he complained about three named persons, "A", "B" and "C", all from the same institution, for having displayed scientific dishonesty in connection with a previous decision in a staff case relating to the professor.

In connection with the staff case, the complainant had previously addressed the DCSD to be cleared of accusations of scientific dishonesty in connection with his research project. The DCSD had found no basis for indicating his work as being scientifically dishonest. The DCSD had decided on three actual points of complaint relating to his research which were included in the staff case. The DCSD did not decide on the staff case as the DCSD has no jurisdiction to process such cases and does not serve as complaint instance for complaints in staff cases.

It appeared from the new inquiry that the complainant wanted to complain about A and B partly for unacceptable superficiality and scientific incompetence in connection with the scientific reporting at the institution and partly for related public misinformation.

In relation to A, the complainant also indicated that A had publicly suggested that the complainant sympathised with some more closely defined extreme groups. Furthermore, according to the complainant, in a statement to a manager of the institution in connection with the staff case, A had acted in a grossly negligent manner which implied improper misguidance about the scientific efforts of others and the statement was unreliable and worthless.

Accordingly, according to the complainant, A had not met the particular requirements of due care in connection with reporting of scientific employees' research to the manager of the institution. The complainant furthermore considered it an aggravated circumstance that A had reportedly studied the complainant's confidential project protocol. Furthermore, the complainant believed that, by public press statements, A did not meet the requirements of due care, objectivity and quality you would generally expect of a scientific report.

In relation to B, the complainant stated that B had misinformed and displayed scientific dishonesty in connection with public statements about the use of research materials from a research project.

The complainant indicated, among other things, that according to him, B (partly in company with A) had acted scientifically dishonest by improperly having misguided the general public about the complainant's research project, among other places, in a feature article and in an article in the daily press. Furthermore, the complainant claimed that B had displayed serious neglect in his position at the institution by not meeting the requirements of due care and quality which you would generally expect from a scientific report, and that B had given improper misguidance to the manager of the institution, the DCSD and the general public. The complainant furthermore claimed that B had

violated the rules of confidentiality in connection with distribution of the complainant's confidential data materials.

In connection with the complaint about C, the complainant referred to the fact that, for many years, C had systematically and grossly misinformed about the complainant's research as well as having distorted and thrown suspicion on his international colleagues' professional activities and professional fora via websites with references to the institution. Furthermore, the complainant believed that C was guilty of punishable slander.

In the case of name-clearing which the DCSD had previously decided upon, it was concluded that there was no documentation of the complainant having displayed dishonest behaviour in connection with his research project such as the concept had been defined in section 2 of the executive order on the DCSD.

Since the DCSD is not a complaint instance for neither the staff case nor the institution where the complainant was employed, the DCSD is unable to decide on the report which a committee in the institution had prepared and which formed the basis of a reporting from a head of department to the manager of the institution. Accordingly, the DCSD is unable to decide on A and B's work in relation to the staff case.

The complaint about A furthermore referred to press statements made in connection with the staff case, and the complaint about B referred to a feature article in the daily press. As the press statements and the involved contributions in the daily press cannot be considered scientific products, the DCSD was unable to process the case, cf. section 1 of the executive order on the DCSD.

Matters of potential violation of the rules of confidentiality, too, are not subject to the DCSD's area of responsibility.

The complaint about C referred to contributions and articles at websites and in other popular media concerning the complainant's research. As these were not scientific products, the DCSD was unable to process the complaint. The complainant furthermore claimed that C was guilty of punishable slander which the DCSD has no jurisdiction to process.

As the complaints accordingly fell outside of the DCSD's jurisdiction, the case was dismissed, cf. section 4 subsection 3 of the executive order on the DCSD.

### **Case no. 7**

In October 2008, the DCSD received a complaint about a named person as well as a more closely defined museum for scientific dishonesty in connection with a specific project which, among other things, involved the holding of an exhibition and the publishing of a book. The complainant brought the case on behalf of two named artists.

The complainant complained about the defendant and the museum having treated the two artists in an unethical and dishonest manner in university relations in connection with the said project, among other things, because the two artists had not been mentioned in an invitation to the exhibition.

The complainant indicated that one artist had not been mentioned in a radio show about the exhibition which the defendant had participated in. Furthermore, the complainant stated that one of the artists, who had lent a number of works of art, had not been mentioned whereas two other artists each represented by one work of art had both been thanked for the loan.

Finally, the complainant indicated that there had been difficulty in cooperation between the two artists and the defendant in connection, among others, with the private view of the exhibition, besides from one of the artists and his project presentation not having been mentioned in references to the exhibition.

As appears from section 1 subsection 4 of the executive order on the DCSD, the DCSD is able to process complaints about scientific products. The complaint about the defendant and the museum addressed the exhibition and a book published in connection with the project.

Neither the exhibition nor the book was to be considered scientific products in the sense the concept is applied in section 1 subsection 4 of the executive order on the DCSD. Correspondingly applies in relation to the mentioning in the invitation and the radio show, respectively.

Matters of potential difficulty in cooperation and breach of agreements in connection with the performance of the project are also outside the DCSD's jurisdiction.

As the complaint accordingly fell outside the DCSD's jurisdiction, the complaint was dismissed, cf. section 4, subsection 3 of the executive order on the DCSD.