

Seven Ways to Plagiarize: Handling Real Allegations of Research Misconduct

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ABSTRACT: *As the research integrity officer at my university for two years, I handled eight allegations of plagiarism. These eight cases show that initial appearances can be mistaken, that policies for handling allegations of research misconduct cannot cover every contingency, and that many cases can be resolved collegially without resort to formal procedures.*

Introduction

I am never forget the day I first meet the great Lobachevsky. In one word he told me secret of success in mathematics: Plagiarize! ... Only be sure always to call it please "research" ... I am never forget the day my first book is published. Every chapter I stole from somewhere else. Index I copy from old Vladivostok telephone directory. This book was sensational!¹

Since antiquity, writers and artists have borrowed words, images, and ideas from predecessors without attribution. The acceptability of borrowing has varied throughout history and across cultures, but academics in the West have generally taken a strict attitude toward plagiarism.² In the academy today, plagiarism is wrong because it is the misrepresentation of the ideas and words of someone else as one's own. By omitting citations, the plagiarist impedes scholarship by preventing readers from tracing

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backward to identify the sources of an idea.³ Among academics, plagiarism is not “the sincerest form of flattery”—it is a sin.

Plagiarism occurs in research in all academic disciplines: the natural sciences, applied sciences, social sciences, humanities, fine arts, and professions. It appears to be the most commonly reported form of research misconduct.⁴

In response to widely publicized cases of scientific fraud, over the last ten years, many universities in the United States have developed policies and procedures to handle allegations of research misconduct, although faculty often do not know about them.⁵ These policies attempt to ensure that the allegation is handled promptly, confidentially, and effectively, with attention to rights of the initiator of the allegation and the respondent. Due process requires that the respondent be given an opportunity to respond within a reasonable amount of time. If an investigation reveals that the facts do not support an allegation, then the reputation of the respondent must be preserved; those who had heard the allegation must be informed that it was dismissed. Further, the respondent should be protected from malicious charges, while the initiator should not suffer retaliation for bringing an allegation in good faith. Finally, differences in judgment and honest mistakes do not constitute research misconduct.

At most universities the procedure for handling allegations of research misconduct has two stages, inquiry and investigation. The inquiry is intended to be quick and informal, to determine whether there are sufficient grounds to proceed with a formal investigation, which can result in a finding of misconduct. Usually the procedure states whether the “preponderance of the evidence” or the more stringent “clear and convincing” standard for evidence should be used in making decisions. The procedure specifies which administrator makes which decisions, and the procedure specifies a time limit for each stage.

In handling an allegation of research misconduct, the university has an interest in ensuring that its students, faculty, and staff are treated fairly and that its own reputation be upheld. As Rhoades⁶ noted, a university is not an investigative agency, and a university may have inherent conflicts of interest, but on balance, the university should bear the primary institutional responsibility for handling an allegation of research misconduct that involves its students, faculty, and staff. Further, a university may be able to take appropriate action if the allegation is sustained. Some academic plagiarism cases—for example, the case of psychologist Carolyn Phinney⁷—have been mishandled and have attracted attention by the national media. These notorious cases obscure the normal day-to-day cases that university administrators handle successfully.

An allegation of research misconduct is normally directed to a university administrator who serves as the research integrity officer. From 1998 to 2000, I served as the research integrity officer for my campus, in addition to my regular duties as associate dean of the Graduate College. The most common allegation of research misconduct that I received was plagiarism: I handled eight cases from all parts of the campus. In this paper I recount these cases briefly, with names and other identifiers omitted to protect the innocent and the guilty. I hope that the lessons drawn from these cases will be helpful to other research integrity officers.

What is Plagiarism?

According to the new federal policy on research misconduct, adopted in 1999,

[Research misconduct is] fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.... Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit, including those obtained through confidential review of others' research proposals and manuscripts.⁸

This definition supersedes previous definitions used by the National Science Foundation (NSF) and the federal Office of Research Integrity (ORI), and it applies to all federally supported research in the United States.

The new federal definition omits the intent to deceive the reader, previously a part of the ORI definition, as intent is difficult to prove.⁹ Under the previous ORI definition, the copying of sentences that describe previous research might not constitute research misconduct if the reader were not deceived about the contribution of the author.¹⁰

The new federal definition also omits the phrase "serious deviation from accepted practices", previously an important part of the NSF definition. Under the "serious deviation" standard, to qualify as research misconduct, the copying must deviate significantly from the norms of the scholarly community; for example, the duplication of a well-known procedure might technically be plagiarism, but would not be considered research misconduct.¹⁰

For McCutchen,¹¹ the essence of plagiarism is the theft of someone else's ideas or intellectual contribution. The duplication of words, in itself, is only evidence of possible plagiarism. For example, in mathematical writing the language is highly stylized, and an author can duplicate whole sentences—"Let x be a real variable"—and even short sequences of sentences without plagiarizing.

The norms of an academic discipline are relevant in determining what constitutes plagiarism. Different disciplines have different conventions, styles, and expectations for citing previous work.. Some disciplines require quotation marks or indentation, some do not. Thus, in investigating an allegation of plagiarism, a hearing panel should always include members who understand the norms of the academic discipline in which the allegation occurred.

It is unnecessary to include citations and references for common knowledge within a discipline. For example, an author today need not cite Darwin's *Origin of Species* to introduce the concept of natural selection. In my opinion, if a fact, concept, or theory is in the undergraduate curriculum or a first-year graduate course in the discipline, then it is common knowledge, and no citation is necessary.

Plagiarism and Copyright

A case of plagiarism is not necessarily a violation of copyright. An author can plagiarize without violating copyright by quoting a document published many years ago that is now in the public domain. Conversely, an author can violate copyright

without plagiarizing by quoting, with proper attribution, an amount of material that exceeds the “fair use” standard for copyright.

A university generally does not hold the copyright to a traditional academic work, such as a paper or a book written by a professor or a student. Consequently, even if a plagiarism case does violate a copyright, the university does not have an interest in protecting the copyright.

Using copyright law to obtain redress for plagiarism may not be effective for two reasons. First, few academic publications have significant monetary value; provable monetary damages, if any, would be minimal. Second, a legal action could invite a counter-suit for defamation.⁵ Most plagiarism cases can be resolved without recourse to a formal legal process.

Case #1: The Instant Paper

Graduate student X takes a copy of a manuscript written by X's research advisor Z and replaces the title page with a new title page that includes the name of X.

X had not contributed to the paper written by Professor Z, who discovered the manuscript on X's desk. Professor Z took the manuscript to the department's graduate program director, who referred the case to me.

When I asked X why he had replaced the title page, he told me that he was applying for a job that required expertise in the subject of the manuscript. I replied that I thought that his reason was not strong enough to justify an obvious case of plagiarism.

After interviewing X, I checked with the editor of the journal that was named on the manuscript's new title page, to which the manuscript might have been submitted. The editor confirmed that the manuscript had not actually been submitted, and thus it did not need to be withdrawn. Further, X had not been offered or interviewed for the job, and there was no need to inform the potential employer. Consequently, I decided that an inquiry and investigation were not warranted.

To resolve this case, the department head and I asked the student to write a letter of apology addressed to Professor Z. We also referred the case to the student discipline system to ensure that the incident became part of his disciplinary record. Professor Z decided to continue supervising the student's thesis research.

Case #2: The Unauthorized Translation

Professor W publishes a book B_1 in language L_1 that reconstructs a series of manuscripts published in language L_0 some three centuries ago. Professor X translates B_1 into X's own native language L_2 . The book B_2 written by X states only that W has also worked on these manuscripts, with a citation of B_1 .

Professor W brought the allegation to me because she knew that I handled allegations of research misconduct. Not only did X translate W's words, but also the figures and the glossary. The allegation of plagiarism appeared valid to me, even though I do not

speak or read L_2 , which is spoken in a different country C . In some countries, the cultural norms for intellectual property and plagiarism are different from those in the United States. In this case, however, C has the same intellectual property traditions. Because I was unable to determine how X 's university would normally handle an allegation of research misconduct, I sought advice from academics in the United States who had grown up in C , and I forwarded materials from W to the president of X 's university. Despite sending follow-up letters, I never received a response. I have left the case for my successor as the campus research integrity officer.

I understand that the publisher of B_1 pursued the possible infringement of copyright, which gives the holder an exclusive right to prepare derivative works such as translations. Most countries have signed the Berne Convention, which provides international protection of copyrights.

Case #3: The Duplicate Publication

Professor X publishes a paper P_2 in journal J_2 in which X includes several long excerpts from a previous paper P_1 in journal J_1 that X (alone) wrote on a similar subject.

The allegation that X had plagiarized arose during a meeting of senior faculty in X 's department to consider X 's promotion. In fact, the editor for J_2 had seen a preprint of P_1 and had asked X to submit a paper to J_2 based on the same study, because J_2 is directed to a different audience from J_1 . In the original draft of P_2 , X had not included long excerpts from P_1 , but the editor specifically requested that X duplicate passages from P_1 , as background for readers of J_2 . Paper P_2 had an appropriate citation of the earlier paper P_1 , but not vice versa. Because of the vagaries of the publication processes, P_2 actually appeared before P_1 , and when P_1 finally appeared in print, it seemed that P_1 duplicated P_2 .

According to the allegation, X implied that P_1 and P_2 were based on different studies by using different pseudonyms for the same subjects. In this discipline, however, pseudonyms are used to protect the privacy of the subjects, not to intentionally deceive readers. Readers would reasonably expect that both papers would report data from the same large study.

As the campus research integrity officer, I issued a finding that quoting oneself is not plagiarism. Even if P_2 were a duplicate publication— P_2 actually contained new interpretations of the results— X would not be guilty of plagiarism, but rather a deviation from accepted practices. Duplicate submission of a paper is generally unacceptable because it imposes an additional burden on peer reviewers and publishers, and because the author would misrepresent his or her record of scholarly accomplishments. In contrast, reprinting a paper is generally acceptable, provided that the reprint is clearly labeled as a reprint, with a citation of the original version.

Case #4: The Background Section

Professor X writes a grant proposal in which the background section duplicates, nearly verbatim, two pages from a paper published by Professor Z. No ideas in this section of the proposal are due to Z. The proposal cites this paper, but does not say that the background section is based on the paper.

The background section of a paper or proposal summarizes the state of art in a field, with definitions of key terms and references to previous related work. Although copying the background section from another source appears harmless, there are two reasons why an author should not do so.¹² First, assembling the references and writing the background section represent intellectual effort, and the intellectual contribution of Z should be acknowledged, even if the ideas are well-known. Alternatively, an author could rewrite the background section. Second, the background section and its references could be erroneous or incomplete, especially if relevant publications have appeared since the publication of Z's paper. In my own case, an author mistakenly wrote my first two initials as "M. G." instead of "M. C.", and others who have cited my paper without going to the source have perpetuated this error.

In case #4, the funding agency that received the proposal requested that the university at which X was located conduct an inquiry. The inquiry team determined that Professor X had indeed copied from Z's paper and that X's actions were inconsistent with professional standards. But the team decided that the degree of harm was low, especially because the proposal had not received funding. Responding to the report of the inquiry team, Professor X wrote what amounted to a letter of apology, and I considered the case closed.

Not completely satisfied with this outcome, the funding agency asked detailed questions about the reasoning of the inquiry team. Was the combination of non-unique material unique to Z? Would the conclusion have been different if X and Z had worked in the same field? Is perceived or implied harm part of the standard for a finding of research misconduct? The answers were No, No, and No. The funding agency accepted these answers and officially closed the case.

Case #5: The Review Article

In seventeen places in a long review article, Professors X and Y quote nearly verbatim from a book written by Professor Z. The book is listed among the references, but it is not cited in any of these seventeen places. Professor X was the doctoral advisor of Y and Z; Professor Y was primarily responsible for writing the review article.

As in case #4, no ideas of Z were stolen, as the seventeen passages covered ideas original to others, but Z was affronted by the lack of citation. The politics of this case were tricky. Professor X is a famous scholar in the field, and even though Y and Z had launched their own independent academic careers, X could still hinder their advancement. Thus it was important that the case be handled carefully.

Because X, Y, and Z were located at three different universities, I worked with the research integrity officers at two other universities to find an acceptable resolution. The journal editor took the initiative to negotiate an agreement. Eventually the journal published an apology by X and Y that acknowledged the extensive borrowing from Z's book.

Not satisfied with the apology, Professor Z asked whether the universities at which X and Y were located had initiated research misconduct proceedings. Because these two universities have different policies about confidentiality, one university responded that it had conducted an inquiry, and the other refused to respond.

Case #6: The Magazine Surprise

Doctoral student W is surprised to see several paragraphs of W's master's thesis appear verbatim in an article in magazine M written by Professor X. The article has no citations or references.

To investigate this incident, I talked with the publisher of M, who called me a "vicious intermeddler" and claimed that I had no standing to bring the allegation. I decided that he would not receive the Emily Post Award for etiquette.

It turned out that the article that W saw was a reprint of an article that had appeared in a previous issue of M seven years earlier, and the original version of the article had included citations of W's master's thesis. Professor X was not at fault, but M was. Eventually M printed a small item that said that the reprint had omitted the references.

Case #7: Another Magazine Surprise

In a short article in magazine M, Professor X states a theory originally proposed by Professor Z, but confirmed through independent experiments by X. The theory is not common knowledge. The article includes only one reference, a journal paper written by X, but no papers written by Z.

The theory developed by Z was definitely not common knowledge in the discipline, and it may still be considered speculative or controversial. At the very least, X should have given generous credit to Z, not only to promote collegiality, but also to avoid giving the impression that the theory had been proposed by X. If the magazine article written by X had appeared in a scholarly journal, then X should definitely have cited Z; the journal paper written by X properly cited the work of Z.

Because magazines have constraints on space and a different readership, they have publication practices that differ from those of scholarly publications, and they sometimes ignore typical scholarly conventions. They occasionally limit the number of research articles that can be included as references. *A fortiori*, LaFollette¹³ emphasized that scientific communities and publishers—even publishers of scientific journals—have different interests, and these differences lead to different assumptions about the responsibility for action after an investigation of an allegation is completed.

In this case, X's institution conducted an inquiry. The inquiry team found that there was no convincing evidence of plagiarism and that X's actions did not rise to the level of research misconduct. Nevertheless, the team recommended that X be reminded to take care to include sufficient literature citations in magazine articles as well as in journal articles.

Case #8: The Professional Manual

In a professional manual written by practitioners X and Y, two pages paraphrase procedures listed in a book written by Professor Z. The manual does not cite the book explicitly, but it does include the book among the references at the end. The manual is published by X and Y themselves, and neither X nor Y is employed by a university.

On behalf of Professor Z, I attempted to contact the employers of X and Y to find out who might be responsible for handling allegations of research misconduct. I believed that their employers would want to ensure that X and Y were treated fairly. Further, if an agreement were found that required actions on the part of X and Y, then their employers would be able to follow up. Neither employer had an official designated to handle allegations of research misconduct, however. Despite my request for confidentiality, X and Y learned about my attempts. They became angry because they said that they did not write the manual in the course of their employment, and thus I should not have contacted their employers; they requested that I deal directly with them—and their lawyer. I then contacted my university's lawyer, under the general principle that the number of lawyers involved in a case should be an even number.

As it turned out, the two pages in the professional manual were derived from some old mimeographed notes that had no references at all. X and Y sent a copy of those notes to me, and when Z saw them, she wondered whether they had antedated her book, and whether she had not properly attributed the ideas herself. Although the concepts may have been common knowledge to practitioners, because the phrasing of the procedures in the professional manual was similar to Z's book, a citation might be warranted. To resolve this case, X and Y promised to include appropriate citations in the next printing of their manual.

Discussion

The cases that I handled support some of the precepts proposed by Rhoades,⁶ who derived lessons from cases of scientific misconduct reported to the Office of Research Integrity (ORI) at the federal Public Health Service (PHS). As Rhoades noted, the respondent may have any academic rank, and the rights of the respondent must be protected because many allegations are not sustained.

At the same time, Rhoades claimed that most institutions receive only one or two allegations of scientific misconduct per year, and he inferred that it would be difficult to develop institutional expertise to handle allegations. Rhoades's conclusion was

based on reports to ORI, which collects data only for allegations that involve scientific research funded by the PHS. In fact, at any institution, allegations of research misconduct may arise in almost every discipline, including the humanities and the arts. During my two years as the campus research integrity officer, I handled thirteen cases that required significant time. Besides the eight allegations of plagiarism, I handled more serious allegations involving falsification of data—the graduate student was dismissed without receiving a degree—and a fraudulent dissertation.

Further, Rhoades asserted that although the institutional response to an allegation of misconduct was intended to be collegial, the response process has become adversarial. In my experience, most allegations can be resolved informally, and even an inquiry can be conducted in a collegial spirit.

Some researchers and administrators worry that it may be difficult to determine whether plagiarism actually occurred, and that the “preponderance of the evidence” standard is too low. If the standard for a finding of plagiarism is too low, then it is more likely that a false allegation of plagiarism would be sustained, and an innocent respondent would suffer sanctions unjustly. In my experience, once the facts are determined, some allegations of plagiarism are obviously valid, and some are definitely mistaken; few remain questionable.

When a plagiarism allegation is sustained, however, it is not always clear how the case should be resolved.¹³ In some cases an apology suffices. In other cases an article must be retracted. If an article has already appeared in print, however, a subsequent printed retraction cannot expunge the article from scholarly record. In the future, with on-line publication, a retraction could be linked electronically with the original article. For serious offenses, funding agencies can impose sanctions such as suspension of an active grant, prohibition from participating on review and advisory panels, and debarment from receiving grants for a specified period of time; universities can return funds obtained through a plagiarizing grant application, withhold merit pay increases, and terminate employment.¹⁰

A research integrity officer at another university told me about a second case that was similar to case #4: in each instance the respondent had copied, nearly verbatim, the background section in a published paper. In the second case the funding agency insisted that the university conduct an investigation and issue a finding of plagiarism; the respondent was barred from receiving funding for one year. I believe that the standard set by the funding agency was too stringent, and the debarment from funding was excessive. The copying of a background section, without expropriation of others’ original ideas, is a venial sin when compared with deliberate deception and theft of ideas. The full procedures for investigation of allegations of research misconduct should be invoked only for egregious cases, in which proposals and papers could be retracted, because the required effort is high, and because the possible consequences to the respondent are devastating. When the punishment exceeds the seriousness of the crime, the respondent is treated unjustly, and scholars lose trust in the process for responding to allegations of research misconduct.

Among the eight allegations of plagiarism that I handled, only seven actually involved plagiarism; case #3, the apparent duplicate publication by the same author, is not an instance of plagiarism. From these cases, we can draw conclusions for both authors and administrators:

Authors:

- *Do not put your name on a manuscript written by someone else.*
- *Do not insert someone else's text as a place-holder in a draft manuscript.* The original might not be replaced later.
- *Do not copy verbatim the background section of someone else's paper.* Copying an amount beyond fair use might violate copyright law. The background section could be incomplete or erroneous. A subsequent inquiry or investigation would consume a lot of time from faculty and administrators, and it could embarrass the institution.
- *Include references to all sources, with appropriate citations, in all manuscripts and grant proposals.*
- *Take allegations of plagiarism to a research integrity officer.* If there is no research integrity officer, then consult a knowledgeable administrator.

Administrators:

- *Seek the facts.* As Little Buttercup in *H.M.S. Pinafore* says, "Things are seldom what they seem."¹⁴ The participants in a dispute sometimes tell only part of the full story. The respondent could be the victim of a hoax.⁵ In case #6, the respondent was the victim of a decision by the magazine editor.
- *Serve as a trusted party.* In any disagreement, the involvement of a disinterested, neutral party can minimize political influences and can increase confidence in the outcome.
- *Seek legal advice.* Legal advice is appropriate when copyright is at stake or when one of the participants has retained a lawyer. The university counsel does not always need to be actively involved in a plagiarism case, however.
- *Try to resolve cases collegially.* Do use formal procedures when there are significant differences in power between the initiator and the respondent, when personalities are volatile, when the dispute has lasted a long time without resolution, or when the charges, if true, would be serious.¹⁵
- *Use judgment.* Real cases test the adequacy of a university's policies and procedures for handling allegations of research misconduct. Because procedures cannot cover every contingency, administrators must use professional judgment. Anticipate difficulties in working with other institutions that have different procedures, or perhaps no procedures, for handling allegations of research misconduct, and with magazines and professional publishers who do not share the same scholarly practices as universities.

For further advice on handling allegations of research misconduct, see the excellent article by Gunsalus.¹⁵

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