

Viewpoint

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Authorship credit disputes should all be considered potential cases of plagiarism unless proven otherwise

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Abstract

The US Office of Research Integrity (ORI)'s revised policy, which excludes authorship credit disputes from plagiarism, is potentially problematic because acts of intellectual property (IP) misappropriation, intended or otherwise, might potentially be exonerated from plagiarism or not adequately adjudicated as such. I argue that all authorship credit disputes should be considered as involving plagiarism unless it is clearly proven that there is no misappropriation of IP on the part of the alleged/respondent. This notion is important to prevent the prevalence of injustice due to power imbalances between senior and junior as well as between residential and temporary/departed researchers.

Keywords:

Authorship dispute, intellectual property, plagiarism, research misconduct

Introduction

Plagiarism, taking other people's ideas, creations, or works and passing them off as one's own,¹ misrepresents intellectual property (IP) ownership and credit allocation. Allegations (and eventual validation) of plagiarism have led to the resignation of prominent academics² as well as high-ranking government officials,³ thus incurring much concern and debate.^{2,4} While acts of plagiarism may vary in terms of severity and intent, it remains a mainstay among acts of research misconduct.⁵

Given the gravity of plagiarism allegations, it is important that federal or central policies on plagiarism are comprehensive and clear for institutions, funding agencies, researchers, and journal editors alike. In this regard, the US Office of Research Integrity (ORI)'s revised policy⁶ that excludes authorship or credit disputes from plagiarism might be potentially problematic. This is especially so as ORI's definition of research misconduct is mirrored by many institutions outside the US. Here, I shall argue that all authorship or credit disputes, particularly publications in journals, monographs, books, and preprints, should be considered to harbour elements of plagiarism unless proven otherwise. The proof should include concrete evidence that there is no misappropriation of IP on the part of the alleged.

The US ORI's recently revised 2024 Final Rule on Public Health Service Policies on Research Misconduct (42 CFR 93) contains revisions on a core research misconduct item, namely plagiarism. As stated in ORI's policy on plagiarism:⁷

'As a general working definition, ORI considers plagiarism to include both the theft or misappropriation of intellectual property

and the substantial unattributed textual copying of another's work. It does not include authorship or credit disputes'.

While it is understandable that ORI may wish to distance itself from adjudications of authorship or credit disputes, which could often be petty, messy, and tedious, the message sent by such a written policy could be underwhelming if not misconstrued, and thus negatively impact the research integrity climate. In accordance with ORI's definition of research misconduct, 'Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.'⁸ In this regard, authors such as Phillips and Earl have pointed out that at least some, if not many, cases of authorship and credit disputes also involve alleged acts of plagiarism.⁹ As such, a sweeping exclusion of the former from the latter would appear somewhat unjustified. I suggest below that there are deeper concerns.

Most if not all authorship and credit disputes would involve some degree of plagiarism

I posit that by virtue of definition, most if not all authorship credit disputes, which are logically based on some degree of misappropriation of IP credit, would by default involve plagiarism. In other words, authorship/credit disputes and plagiarism are inherently coupled. This is so unless the complainant does not have a case in terms of IP ownership, and for such a lack to be proven beyond a reasonable doubt by the alleged or respondent. Fictitious vignettes representing scenarios of common occurrence, as described below (summarized in Table 1), serve to illustrate this point.

The first involves two collaborating researchers, an established tenured faculty *A* and a

Table 1. A summary of vignettes on authorship and credit disputes described in the text

Researchers	Activity or behaviour	Act of misappropriation
A	A tenured faculty who published paper without B, his collaborator, who has left the institution.	Has likely committed plagiarism unless proven otherwise.
B	A junior faculty who had left the institution found out later that his former collaborator A published their work without him.	Likely victim of plagiarism, unless shown otherwise.
C	PhD student who graduated and later discovered that her work was published by her mentor without her knowledge or co-authorship.	Likely victim of plagiarism, unless shown otherwise.
D	Mentor who published a former PhD student's work without informing or including the latter as coauthor.	Has likely committed plagiarism unless proven otherwise.
E	A research assistant who had left an institution and had been uncontactable complains to journal and institution claiming to be a victim of plagiarism and demands retraction of a published paper	Potentially a victim of plagiarism, but investigations should focus on whether E has IP ownership of the published results and the reasons for being unreachable.

junior faculty *B* within an institution, who had jointly worked on and contributed to a research project. Over time, disputes erupted between the two, and the collaboration broke down. *B* subsequently left the institution. Faculty *A* who remained publishes a paper on the work without soliciting co-authorship from the departed *B*, and the latter remained uninformed until he chanced upon the published article. *B* makes a complaint to the institution, alleging that *A* had misappropriated credit sharing and had plagiarized his work.

In the second case, a PhD student *C* who had graduated found that a paper containing her thesis work was published by the mentor (*D*) without her knowledge or her co-authorship. As a good amount of data and results were taken from two chapters of her PhD thesis, she complained that she was deliberately left out of credit sharing and that the mentor had plagiarized her work.

With the revised policy in place, both these cases would likely be downgraded to an authorship credit dispute. While

a failure to exercise proper credit sharing on the part of senior faculty *A* and mentor *D* seems apparent, whether these respondents have plagiarized the work of the collaborator and student, respectively, may not be so clear. However, if there were misappropriation of someone's original ideas and works, and if these were published without one's knowledge and co-authorship, it would clearly be acts of plagiarism. This shall be so unless the alleged parties are able to provide documentary evidence that the former collaborator and student who had both left the institution have no IP ownership of the published material, as dictated by the prevailing rules of the institution and the law. If this could not be convincingly shown, the alleged party has, by definition, plagiarized (be it intentional or otherwise).

The above does not mean that individuals with ill intentions to prevent or hold back the publication of research work, unless their wishes for a share of the credit are satisfied on their own terms, could get

their way. Consider a third case, in which a research assistant, *E*, who had worked briefly but had left an institution and had been uncontactable, complains to both the journal and the institution, proclaiming to be a victim of plagiarism and demanding the withdrawal of a published paper because she was not included as an author. However, it was revealed that *E*'s employment contract contained stipulated clauses that all work and materials generated in her work belong to the institution and not her, and that these were reiterated in *E*'s signed handover document. The fact that *E* was unreachable despite multiple documented attempts to contact her to clarify parts that she had worked on also does not help her claim.

The importance of recognizing the element of plagiarism in authorship disputes

Close adherence to the technical definition of plagiarism in terms of IP misappropriation is important; otherwise, injustice could be compounded by the power differential imbalance between those who remain 'in charge' and their former or current underlings. Such a power imbalance underlies many instances of academic bullying,^{10,11} with coercive authorship¹² and the phenomenon of free-riding¹³ in academic publications, which should be considered misconduct in their own right.¹⁴ On the other hand, persistent credit-claiming individuals with no IP ownership should not be allowed to effectively prevent the publication of any work, as in the case of research assistant *E* above.

It should also be pointed out that even when a case of a lack of IP ownership could be established, it remains proper academic conduct to duly include those who contributed substantially as co-authors and those who have not with acknowledgements. As

such, junior faculty *B* and student *C* in the cases above deserve proper consideration for co-authorship even if they have legally foregone any IP ownership. Research assistant *E* might also have a case of having been missed out in terms of credit sharing (unless she was deliberately unreachable). Sadly, there are many instances in which such basic professionalism has been blatantly ignored or violated. A historically famous example is that Rosalind Franklin should perhaps have deserved co-authorship on Watson and Crick's seminal paper on the double-helix structure of DNA.¹⁵ More contemporary examples of senior academics plagiarizing their mentees or junior underlings include cases from University of Cambridge¹⁶ and Arizona,¹⁷ and the issue has been studied in Becker's interview of whistleblowers in the natural sciences.¹⁸ Unfortunately, a majority of such instances might never be revealed or publicized because of underreporting and, as per Becker's finding, because 'individuals in positions of authority failed to resolve the reports.'¹⁸

There are various recommendations to mitigate authorship disputes,¹⁹ and it has been proposed that written and signed authorship agreements²⁰ would help mitigate future disputes. However, such agreements may not be feasible or practical in many cases of explorative collaboration and mentor-student(s) relationships. Another caveat of pre-agreed authorship commitments is that authorship becomes legally binding regardless of actual contribution and deservedness, which would be problematic on its own. In view of the above, recognizing the coupling of authorship disputes to plagiarism would be all the more important and serves as a reminder that inappropriate credit-sharing practices are tied to research misconduct.

Concluding remarks

The inherent coupling of authorship credit disputes and plagiarism, more comprehensive and encompassing policy for plagiarism would be desirable. For journal editors who often need to defer authorship/credit disputes to the authors' institution for further investigation and adjudication, a stance of 'plagiarism unless proven otherwise' may be justified in protecting the academically less prestigious or privileged from academic bullying.

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