

EXECUTIVE BOARD

**Translation final judgment Executive Board of March 26, 2020**

*This text is an English translation of the Dutch original. In case of any divergence of interpretation, the Dutch text prevails.*

**Sent by email on March 26, 2020**

To:

[*name Person Concerned*]

Cc:

[PhD supervisor 1], Professor of Financial Economics

[*PhD supervisor 2*], Professor of Economics

Dear [*name Person Concerned*],

Date  
26 March 2020

Subject  
*Final Judgment on Academic  
Integrity*

Telephone  
+31 13 466 [...]

E-mail  
[...]

On 11 February 2020, you received the initial verdict of the Executive Board regarding the investigation into suspicions of violations of academic integrity related to the content and realization of the dissertation [*title PhD thesis*] defended by [*name Person Concerned*] (**'Person Concerned'**) on [*date defense*]. PhD supervisors were [*PhD supervisor 1*], and [*PhD supervisor 2*] (**'Supervisors'**).

The initial opinion of the Executive Board followed the advice and further advice of the Scientific Integrity Committee of Tilburg University (**'CWI'**) of 15 and 28 January 2020 respectively in response to requests from the Executive Board of 19 September 2019 and 20 January 2020. The reason for the first request to the CWI were several signals received by the Executive Board regarding the contents of the PhD thesis that indicated suspicions of violations of academic integrity by the Person Concerned.

In its meeting of 23 March 2020, the Executive Board decided on its final judgment. This final judgment corresponds fully with the initial judgment of 11 February 2020.

## 1. Final Judgment

The Executive Board, in accordance with the advice given by the CWI, concludes in this final judgment that the Person Concerned acted culpable negligent. The behavior of the Person Concerned seriously damaged the relationship of trust between himself and his Promoters and the PhD Committee. Nevertheless, the Executive Board notes that both the advice and the further advice of the CWI does not provide sufficient findings to justify a further investigation into the legal validity of the PhD degree obtained by the Person Concerned. Furthermore, the Executive Board is of the opinion, in line with the advice of the CWI, that

the investigation carried out by the CWI does not justify further investigation into the way in which the Supervisors fulfilled their supervisory tasks with regard to the Respondent.

## **2. Sanctions and measures**

In view of the established culpable negligence, the Executive Board instructs the Person Concerned to include an explicit reference to the CWI's advice of January 15, 2020 in an appendix to the PhD thesis, and to acknowledge in each chapter which students were involved with (preparation of) the underlying research for (the particular chapter) of the PhD thesis.

Further, the Executive Board also instructs the Person Concerned to acknowledge the names of the aforementioned students involved when using the research data and results collected in the context of the PhD research publicly or in future references to the PhD thesis.

## **3. Considerations**

### **3.1 Actions of the Person Concerned**

#### *Violation of academic integrity cannot be demonstrated*

The CWI observes that there is an overlap between the PhD thesis of the Person Concerned and the master's theses of the students involved in the investigation by the CWI. Various text paragraphs, tables and graphs/diagrams are the same. However, the CWI has not been able to establish who wrote which text, who made which tables and graphs and who had what part in this. As a result plagiarism cannot be demonstrated. The CWI also states in this regard that there is insufficient evidence of failure to acknowledge the authorship of the former students or others.

In accordance with the advice of the CWI, the Executive Board concludes that, with respect to the PhD Thesis of the Person Concerned, plagiarism cannot be demonstrated and that there is insufficient evidence of failure to acknowledge the authorship of the former students or others. In this context, the Executive Board takes into consideration that the advice of the CWI is for a large part based on statements by the Person Concerned and the students involved. The Executive Board must rely on the truthfulness of those statements.

## *The Person Concerned acted culpable negligent*

The CWI finds the actions of the Person Concerned culpable negligent in light of the principles of honesty and scrupulousness laid down in the Code of Conduct 2014. By not informing his Supervisors that his students had obtained his permission to write a Master's thesis on part of the PhD thesis topic and not (explicitly) mentioning either to his Supervisors or in his PhD thesis that he had worked together intensively with students in preparing his PhD thesis he acted culpable negligent. The Person Concerned also acknowledged that he should have mentioned more explicitly that his students had written Master's theses under his supervision that were based on his PhD thesis.

The Executive Board, in accordance with the advice given by the CWI, concludes in this initial judgment that the Person Concerned acted culpable negligent.

## *Impairment of the relationship of trust*

The culpable negligent actions of the Person Concerned stand out even more because a PhD degree is involved. After receiving the advice from the CWI the Executive Board requested the CWI for further advice. The Executive Board requested the CWI is the investigation conducted by the CWI in the run-up to the adoption of its advice of January 15, 2020 gave the CWI cause to advise the Executive Board and/or the Doctoral Board to conduct further investigation on the question whether, in his PhD thesis: (i) the Person Concerned had evidenced sufficient independent competence to perform research (Section 7.18(2)(b) of the Higher Education and Research Act (WHW)) and/or (ii) whether the PhD thesis was written by the Person Concerned or was written under his demonstrable and dominant co-authorship (Article 17 of the PhD Regulations 2016)?

In its further advice of January 28, 2020, the CWI holds that its finding that *“plagiarism has not been demonstrated and there are not enough indications either of failure to recognize the authorship of the former students or others” (...)* implies that – as the opposite has not been proven – that it must be assumed that the relevant PhD thesis is the result of (sufficient) own work of the Person Concerned”. In this further advice CWI also holds that it has not stated that a new “assessment is necessary as it finds that there are no or not enough indications that the research is impermissibly (partly) based on the work of others”.

The Executive Board is of the opinion, in view of the CWI's advice, that there is sufficient cause to ascertain that the Person Concerned – by culpable not mentioning the intensive collaboration with students in the preparation of the PhD thesis, and not mentioning that students had written Master's theses under his supervision that were based on the PhD thesis – has seriously damaged the relationship of trust with his Promoters and the PhD Committee. This said, the Executive Board notes that the CWI's advices lack substantial findings to justify an additional investigation into the legal validity of the PhD degree of the Person Concerned. Such justification might have been found, if - for example - the CWI had qualified the actions of the Person Concerned as a violation of academic integrity within the meaning of the Code of Conduct 2014, or if it had otherwise established that deliberate deception or fraud had occurred in the run-up to the PhD defense. In view of the content of the CWI's advice, this is not the case.

The Executive Board has also heard the Doctorate Board confidentially about the significance of the advice and findings of the CWI for the legal validity of the PhD degree. In common the CWI and the Executive Board, the Doctorate Board does not see any justification for a further investigation into the legal validity of the PhD degree obtained by the Person Concerned.

### **3.2 Conduct of the Supervisors**

The CWI has found that the Person Concerned did not inform his Supervisors that in preparing his PhD thesis, he collaborated intensively with students, nor did he tell them that the students had received permission from him to write a Master's thesis on part of the doctoral topic. The CWI has also concluded that the investigation of the conduct of the Person Concerned does not give cause to conduct a more detailed investigation into the supervision by the Supervisors.

The Executive Board concludes in accordance with the CWI's advice that the investigation conducted by the CWI does not give cause to further investigate the supervision by the Supervisors.

### **3.3 Findings of a general nature**

The Executive Board wishes to make clear that in general supervisors and/or co-supervisors should be able to trust the statements of PhD candidates on how they organize the research and with whom they collaborate. For that reason alone, PhD candidates must observe the utmost transparency in their contact with their supervisors. Observing

the norm of transparency does, after all, offers supervisors the possibility to weigh their supervision and assess the manuscript and the independent competence of PhD candidates thoroughly. Not observing such transparency deprives supervisors – and ultimately the PhD committee – of that possibility. Moreover, observing transparency offers supervisors the chance to advice PhD candidates correctly, for example on how collaboration of third parties in the research can be acknowledged.

Secondly, the Executive Board– notwithstanding the fact that a PhD candidate is responsible for the quality of the manuscript and research – stresses that supervisors and co-supervisors are tasked with supervision of the PhD and the assessment of a PhD-manuscript. In certain circumstances, the responsibilities that come with these tasks carry more weight. Examples of this include the social sensitivity of research results, the situation that a PhD candidate is not a member of the research group of the supervisors, or if the PhD-trajectory sees a special timeframe. The importance of supervision as a duty of care was recently explicitly mentioned in the Dutch Code of Conduct for Research Integrity (VSNU), which was newly adopted in 2018, and incorporated in the Tilburg University PhD Regulations, which were completely revised by the Doctorate Board in 2019.

#### **4. In conclusion**

For further substantiation of this final judgment, we refer to the contents of the enclosed CWI advice. The Supervisors will be notified separately of the advice of the CWI and this final judgment.

An anonymised version of this final judgment and anonymised versions of the CWI's advice will be posted on the web pages on research integrity of Tilburg University and the Association of Universities in the Netherlands (VSNU).

On behalf of the Executive Board,

Prof. K.M. Becking LL.D.  
President Executive Board

Prof. K. Sijtsma LL.D.  
Rector Magnificus

Drs. R.V.A. van Hensberg  
Secretary Tilburg University

*Appendices:*

- Advice from the Scientific Integrity Committee of January 15, 2020 (including appendices)
- Further advice from the Scientific Integrity Committee of January 28, 2020

## **Accountability**

### *Assessment Framework*

The Netherlands Code of Conduct for Scientific Practice 2014 (hereinafter: “**Code of Conduct 2014**”) applies to the setting of substantive standards. Assessment of the degree of non-compliance with the Code of Conduct 2014 and the assessment of any sanctions and measures are based on the assessment framework included in Chapter 5.2 of the Netherlands Code of Conduct for Research Integrity 2018. The Tilburg University Scientific Integrity Regulations (2012) apply to the course of the proceedings. Section 7.18 of the Higher Education and Research Act (WHW) and the Tilburg University PhD Regulations (2016) apply to the award of the PhD.

### *Status of the complaint and signals*

The advice of the CWI was prepared at the request of the Executive Board of September 19, 2019. The Executive Board is authorized to act as the complainant within the meaning of the Tilburg University Scientific Integrity Regulations (2012). The reason for the request to the CWI was the receipt of several signals regarding the contents and writing of the PhD thesis. The Executive Board notified the CWI of the contents of these signals. The persons from whom the signals came did not file a complaint independently with the CWI, and for that reason do not qualify as complainants within the meaning of the Scientific Integrity Regulations 2012.