

## **THE THESIS**

### **I**

Nelson Nice is on the engineering faculty at State University. Three years ago he headed a research project that involved an undergraduate student assistant. At first Jason Smart was enthusiastic about the project. He certainly felt honored to be selected by Professor Nice as his undergraduate assistant. However, as time passed Jason grew impatient with the laboratory work and write-ups. Nelson Nice found that he had to do more and more of the work himself. Eventually Jason left the project before the work was completed.

One year later Jason, then a graduate student at another university, wrote to Nelson Nice and asked him if he would send him a copy of the final report of the work they had done together. Jason explained that he had matured considerably since his undergraduate days and was now working in a related area. "Now," he said, "I think I'm ready for more serious work. It would help me a lot if I could see how things finally worked out in the project."

Should Nelson Nice send the report to Jason Smart?

### **II**

Nelson Nice was not anxious to share the report with Jason Smart. Disappointed with the results of the research, Nelson had turned his attention elsewhere. As far as he was concerned, the project was dead. He also had to admit to himself that he still was unhappy with Jason's performance on the project. However, he was impressed with Jason's acknowledgement of his earlier immaturity and his apparent desire to do serious work. So he decided to send it. He pointed out to Jason that, although the research was now complete, it had not turned out as he had hoped, and he had no plans to do further work in the area. However, he wished Jason well in his graduate work and hoped that this report might be of some help in giving him new ideas.

Several years later Nelson Nice discovered that Jason Smart used the report as his Master's Thesis -- adding only a couple of introductory paragraphs, a concluding section, and an updated bibliography. No reference to Nelson Nice appeared anywhere in the thesis!

What should Nelson Nice now do about this? Is there anything that he could have done earlier that might have prevented this from happening? What might he do in the future to decrease the chances that this sort of thing will happen?

[Prepared with James Jaksa.]

## **COMMENTARIES**

### **C. Gale Cutler**

Information costs money to generate and store and has value. Many companies consider information a form of asset. Proprietary information is information which a company or organization owns or is the proprietor of. This term is used primarily in a legal sense, just as "property" and "ownership" are ideas carefully defined by law. Normally it refers to new knowledge generated within the organization which can be legally protected from use by others. A rough synonym for "proprietary information" is "trade secrets." A trade secret can be virtually any

type of information which has not become public and which a company has taken steps to keep secret.

Jason has no proprietary right to the information developed by Prof. Nice and in whose development he participated in a minor way. That information is proprietary to the university or the sponsor who funded the research work. Some agreement prior to the initiation of a research project must be developed (and adhered to) about to whom the data and information assembled during the project belong. When Prof. Nice receives a request from Jason he must get clearance from the owner of the proprietary information before sending a copy to Jason. The only case in which this would not be necessary is if the university/Prof. Nice arrangement grants ownership of the information contained in the report to Prof. Nice. Even in that case, it is unwise to send the information to Jason without a clearly defined explanation of just what Jason intends to do with the report.

When Prof. Nice finds out what Jason has done with the report he must admit the error he made and inform authorities at the university that granted Jason his degree of this flagrant case of plagiarism (passing off of another's work as one's own). Hopefully, this step (which is a form of "whistleblowing") should lead to the action granting Jason a master's degree being rescinded. Where were the university supervisors of Jason's graduate work when this plagiarism was happening?

A case somewhat similar to this occurred at a company for which I worked. An employee left voluntarily to go to graduate school. Due to some slipshod handling of his "exit procedure" by the Human Resources Department, the fact that he had taken his laboratory notebooks (containing company proprietary data) was not discovered until several weeks after his departure. Letters asking him for his notebooks, which contained proprietary (and sensitive) data on the flammability of plastics, were ignored. A couple of years later he received a Master's Degree in Chemistry from a reputable university. Major portions of his thesis bore strong resemblance to the research work he had done for the company at which I worked. We chose to take no action because we felt we could not prove his plagiarism in court if a legal action developed.

### **John B. Dilworth**

Should Nelson Nice send a report on a project to Jason Smart, who assisted on the project at one stage? Unless Nelson has some specific reason to doubt Jason's motives, or some general reasons for restricting access to his own work, professional courtesy and the ideal of free, unregulated exchange of information would be served by sending it.

Note that it makes no difference whether the report has been published by Nelson Nice or not, because Nice as the head of the research project holds copyright to the report. Hence any other use or publication of the material without Nice's permission, such as that by Jason in his plagiarized thesis, is illegal (and immoral).

What should Nelson Nice do when he discovers the plagiarism? First, he would have every right to get extremely angry. Jason as a former student of his has betrayed Nelson's trust in him, and has stolen his work and passed it off as his own. Jason has also betrayed and subverted the academic standards of the institution examining him for a Master's degree.

After cooling down somewhat, Nelson might reflect as follows. As well as personally being a victim of Jason's crime, he has a duty to ensure that justice is done, and that adequate steps are taken to ensure that the circumstances which made the crime possible do not occur again. The main problem was not sending Jason the report, but Jason's dishonesty coupled with inadequate supervision by his degree committee at his new institution. Nelson must effectively communicate all of this to the appropriate persons or institutions.

Next it is time for controlled paranoia to take over. Nelson is entering the crazy, upside-down world of 'whistle-blowing', in which honest attempts to reveal wrongdoing can all too easily end in failure or even personal disaster for the initiator. The unpleasant truth is that those corrupt enough to plagiarize, or falsify scientific reports, etc., are also corrupt (and clever) enough to prepare elaborate fall-back positions if their deceitful activities should ever be discovered.

For example, Jason may have kept voluminous records of his own and other student's contributions to the original project. Then, if ever challenged on his thesis, he would claim that after all it was he, and not Nelson, who had done the work on which the report was based. If for any reason Nelson no longer has full records of the project, Jason's ploy could well succeed.

Even if Jason has no such fall-back, he may well find invaluable allies in the officers and institutions of his new university. In the face of claims by outsiders of gross academic malpractice or negligence, those involved are quite likely to 'close ranks' and attempt to cover-up the problem, rather than undergo searching and painful investigation of what went wrong in the case. A Department whose graduate program might be seriously compromised by publicity about poor-quality advising of students is unlikely to be impartial in judging claims of plagiarism by its students.

So overall, Nelson Nice needs to act both cautiously and decisively, to both protect his own interests and to forestall attempts by others to 'cover-up' the problem. As for the future, Nelson would be wise to include warnings about the evils of plagiarism and falsification of evidence in his graduate courses.

## **Joseph Ellin**

### **I**

Prof. Nice is asked by a former student, Jason, to send a copy of a report they had worked on together. Should Nice comply? Why not? No reason is given for not sending the report: a mere question of courtesy, one would think.

### **II**

We are now told that Nice doesn't like the report and doesn't much care for Jason either. But he sends the report anyway, only to discover years later that Jason has plagiarized it for his MA thesis. There is no problem here either: plagiarism should be investigated and punished. Nice must initiate an investigation through the appropriate authorities at Jason's university. As to what he could have done to prevent this from happening, there are several things. He might have earlier protected himself a bit by indicating on the report that it had copyright protection: "Not for publication. Do not quote without permission." He might assure himself that his students understand what plagiarism is and why it's wrong. He might ascertain that his university has appropriate policies in place. These are more management problems than ethical ones; the ethical point is to try to create conditions such that ethical violations such as Jason's are less likely to occur. It means not trusting people to the extent Nice would like to; but when the protections are in place, you can then be free to trust them more.

## **Carl O. Hilgarth**

### **I**

Prof. Nice, in deciding how to respond to Jason Smart's request, should have the following questions:

- o Why is he requesting a copy of the final research report after losing interest in and leaving the project?
- o Does his contribution to the research project merit his receiving a complete copy of the research report?
- o How was my research project associated to the related area he is now working in?
- o How will seeing the report and how things worked out help him?

Without further information about Jason's graduate work, these considerations and the fact that the research was essentially done by Nelson Nice suggest the professor write Jason and express an interest in his current graduate work, inquire who his graduate research advisor is, and how the results of his research project will help. He should include an abstract of the report and summary of the results. If Jason is serious about his work, he will respond.

## II

Even though Prof. Nice was not anxious to share the report with Jason Smart, was disappointed with the results of the research, and unhappy with Jason's performance on the project, he responded as many of us probably would. He sent Jason a letter pointing out that although the research was now complete, it did not turn out as he had hoped, that he had no plans to do further work in the area, enclosed a copy of the report, and wished him well. Several years later Prof. Nice finds out that Jason used the report as his Master's Thesis - adding some a couple of introductory paragraphs, a concluding section, and an updated bibliography, but not acknowledging or citing his work.

Were I Nelson Nice, my first reaction would be to assume academic misconduct - plagiarism. However, before acting, it's important to check things out. Since Jason's project was in a related area it might have been based on my research and used what he did as my undergraduate assistant as the starting point. I would contact Jason, cite my report, the fact that it appeared without any reference in his thesis, and ask him how this happened. Perhaps he duplicated my laboratory work with different results, especially since he added new introductory paragraphs, a conclusion and an updated bibliography. It would be interesting to hear what he would say. A call and a "little shop talk" with his graduate faculty advisor is also appropriate to confirm Jason's explanation. I may find his impropriety in not citing my research to be an oversight on his part, perhaps due to my reluctance to share my research report because of the "disappointing results." On the other hand, I might find that his research was legitimate and might provide a new perspective to my research causing me to reconsider my decision not to do further work in this area. Under either of these conditions, my resolution would be to request that he amend his thesis to cite my prior work, even if that work led to a different conclusion.

Or, I might find that he is still immature and impatient with laboratory work and writeups and used my report as a shortcut. At worst, academic misconduct - plagiarism - could be the case. If this is what happened, my action would be to discuss this with the faculty at the institution that granted Jason his master's degree, citing as the reason to investigate his alleged academic misconduct the fact that his master's thesis contained my research report of work done at the institution where the student was an undergraduate laboratory assistant. I would have to present the documents, correspondence, events, and circumstances through which the student received a copy of the report. The institution granting Jason his graduate degree would be responsible for the investigation under their student code of conduct, and I would have to abide by their finding.

To decrease the chances this situation occurring, whenever someone requests a copy of your research, only send

copies of published papers, or refer them to the appropriate journal. In other instances, to protect work you haven't published, send an abstract and a summary of the results.

## **Wade L. Robison**

### **I**

Various forms of questions reflect various assumptions. That this case asks whether Nelson should send the report to Jason implies that the report has not been published in any way and that the question of whether to send the report is Nelson's to answer. If the research had been funded by an outside source, then that source might have to give its permission for the report to be circulated, and if the report had been published, Jason can track it down himself and need not be dependent on Nelson for anything other than, perhaps, the information that the report has been published. So the way the question is posed suggests that the report is Nelson's to do with what he sees fit. If he prefers that others not read it, that is for him to decide.

He certainly has no obligation to send it to Jason even though Jason worked on the project. Jason's leaving the project before the work was completed removes any obligation Nelson might have had.

But it is not obvious that any harm could come from Nelson's sending Jason a copy, and, after all, Nelson is a professor, Jason was his student, both are presumably in the same area, engineering, with Jason going on to graduate school; and so Nelson may properly feel that it would help a former student to give him a copy of the report. One may argue that one never loses a student. They can always ask a professor to write a letter of recommendation, though it may become more and more awkward the older and more removed from college they get, and so it is appropriate for Nelson to continue what part of that relationship he can by encouraging Jason. After all, it is a compliment to have a former student request a copy of something one has worked on, and since, we assume, Jason was one of Nelson's better students (for why else are we to assume he was chosen as student assistant), Nelson may properly feel that Jason would be an asset to the profession and so want to encourage him.

### **II**

If Nelson later discovers that Jason has used the report for his Master's Thesis, he has an obligation to report that--to the advisor listed on the Thesis, to the chair of the Department of the university in which the thesis was given, and to the University itself. He may also have an obligation to report it to whatever legal body is responsible for ethical issues in the profession. Jason is effectively stealing someone else's work, and he has no right to do that--even if, as Nelson indicated, Nelson has no further interest in the report and so does not intend to publish it. In addition to taking Nelson's work, Jason is also misrepresenting that work as his own. He is thus effectively lying to the Department and the University and his advisor there. And, in addition, he is misrepresenting himself as someone capable of doing that sort of work--to the University and to any future employers who see that he got a Masters from that university. He may well be capable of such work, but it is not fair to those who have done the proper work for a masters to represent oneself as having done it and compete with them on an apparently equal footing for honors and jobs.

It is not clear what Nelson could have done to prevent this from happening. He might have put on the Report "Commonlaw copyright" and "Not for publication," but such stamps, even if duplicated at p. 100, as libraries do when they print their names on the books they purchase, would not prevent anyone from typing up the entire report again.

He could also refuse to circulate unpublished papers and reports, citing concerns about having his ideas taken without credit to justify this closed-door policy. What he has to weigh here is whether such a policy properly furthers knowledge. If he indeed did not intend to pursue the subject of the report, then it would have languished in his filing cabinet until he died, then, probably, to be tossed. He worked on the project and may have uncovered something he did not realize he had. Circulating one's unpublished papers has the advantage of helping to ensure that whatever goodies are buried in fact make the light of day. He also has to weigh that consideration, which is a matter of general policy about the point of doing research, against the judgment that Jason might well profit from reading the report. After all, if Jason is now having second thoughts about how he handled himself in that project, then giving him the report to read so that he can see how things turned and thus what he missed out on by not doing a better job in the project may be just what Jason needs to mature further. Cutting him off may be taken as an affront and may be unhelpful in furthering his growth as an engineer and as a person.

It is not obvious what answer one ought to arrive at when going through such a calculation. It is one thing to keep to oneself what papers one has that one is working on and intends to publish. Premature circulation of an idea can work against the dramatic impact of its sudden publication and risks its loss as well. But if one has decided not to pursue a project, it is not obvious that keeping a report on the project to oneself is justifiable. It would be if one knew ahead of time what Jason planned to do, but one does not.