

Extravagant mercy for a fallen scholar

The same Disciplinary Committee, assessing two cases of diametrically different levels of research misconduct at a prestigious university, arrived at the same penalty for the two offenders. If it is impossible for one committee to adhere to a uniform penalty code, how can we expect to unify the codes at national and international levels?

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Published in *Academic Forum* 07-08/2012¹

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‘This style of research must be eradicated. The publications by Rev. Dr. S. Tymosz in the field of legal history in the years 2003-2008’ was the title of a controversial paper that appeared in mid-2011, in the prestigious journal *Studies in the History of Polish State and Law* (Vol. 13, pp. 265-284, Cracow-Lublin and Lodz). It was authored by Prof. W. Uruszczak, a renowned expert in legal history at the Jagiellonian University, Poland’s oldest and most respected academic institution, located in the medieval city of Cracow. Prof. Uruszczak is Head of two departments: the Department of History of Polish Law and the Department of Church and Religious Law. In the article he writes about his concerns related to the publications of another eminent Polish researcher, Rev. Fr. Dr. Tymosz, a Catholic priest and the then Director of the Institute of Canon Law at the prestigious Catholic University of Lublin² (CUL). The publication is based on

1 This is an English translation of an article published originally in the Polish language in a monthly magazine for Poland’s academics, *Academic Forum*, in July 2012. (Uczelniane miłosierdzie, Marek Wroński FA 07-08/2012 Forum Akademickie, Lublin: Akademyka Oficyna Wydawnicza, ISBN: 1233-0930. Retrieved on 27 Aug 2013 from <http://forumakademickie.pl/fa/2012/07-08/uczelniane-milosierdzie/>). The publication is from a series of articles that has been appearing from 2002 each month in the magazine’s section called ‘From the Archives of Scientific Misconduct’ [Z archiwum nieuczciwości naukowej] <http://forumakademickie.pl/publicystyka/nauka/z-archiwum-nieuczciwosci-naukowej/>

2 Catholic University of Lublin (CUL) is a prestigious research and tertiary education institution located in Lublin, a city in Poland’s East. It was founded in 1918 and is the only private college in Poland with the status of a ‘university’. Its scholars were often harassed during the communist period — placed under secret police surveillance, some faculties were denied the right to grant degrees, and the employment prospects of the graduates were limited but the university maintained its independence and never adopted Marxist dogmas. After the fall of communism in 1989 the university flourished but recently has been involved in a variety of scandals related to scientific misconduct.

Prof. Uruszczak's review of Fr. Tymosz's achievements, and was written in March 2009 at a request from Fr. Tymosz's Institute where proceedings were initiated to award the priest the title of professor.

Prof. Uruszczak says in the introduction of his paper: 'I find it particularly disturbing that an eminent researcher and a well recognised authority in the field of legal history, who has had a long and distinguished career, has repeatedly violated the attribution and citation rules in such a blatant manner. In the interest of science, I am obliged to make public my negative opinion of Fr. Tymosz's publications'. Next follows an analysis of the priest's works, accompanied by a concordance report, which details the appropriations in 14 articles by the scholar who is now Chair of the Department of History of Sources of Polish Particular Church Law at the CUL's Institute of the Canon Law, at the Faculty of Law, Canon Law and Administration. This analysis formed a basis for Prof. Uruszczak's allegations that Fr. Tymosz disregarded the principles of academic integrity, and repeatedly violated the copyright law.

For instance, the Cracow researcher stated that the article 'Cardinal Guido's legation to Poland of 1267' ('Zamojski Diocesan Directory', November 2002, 3:318-350) 'is almost a word for word copy of the treatise by Tadeusz Silnicki *Cardinal legate Guido, his Wrocław synod of 1267, and the statutes of this synod*, published in the *The guest book in honour of Władysław Abraham*, Vol. II, Lviv 1931, pp. 25-39. The modifications are minimal.

Admittedly, in the footnotes of Fr. Tymosz's publication almost every paragraph acknowledges the work by T. Silnicki. However, the fact that the priest's paper consists of verbatim quotes is not mentioned, which confuses the reader as to the actual authorship of the text.'

Considering the next publication, 'The legatine synod of Cardinal Gentilis of 1309' ([in] *Historia est Magistra Vitae. The jubilee book in honour of Professor Jerzy Flag*, Lublin 2007, pp. 341-352) the reviewer proclaims: 'The vital part of the article, which is devoted to the resolutions of the legatine synod of 1309, is only a slightly modified copy of Tadeusz Gromnicki's publication *Provincial synods and the activities of some of the papal legates to Poland up till the year 1357*. (Cracow, 1885, pp. 235-240).'

The book *Archbishop Jan Łaski, a legal reformer* (CUL Publishing House, Lublin 2007), edited by Fr. Tymosz contains two of his articles. 'They are not original publications because they use, without attributing, fragments of works by other authors. The transgressions are particularly striking in the paper 'Łaski's statute and its effect on other laws' (pp. 87-106), which is a combination of fragments literally lifted from the textbook-style publication by

Stanisław Płaza, *Legal history of Poland in a comparative perspective. Part 1. 10th-18th centuries*, Cracow 1997. The passages copied can be found on pages 141–151 and after reading them it becomes clear that virtually the whole text that Fr. Tymosz published under his own name, had been authored not by him but by Stanisław Płaza. The second article, “A brief historical biography of Jan Łaski, Primate of Poland (1456-1531)”, pp. 13-47, includes numerous borrowings from earlier studies such as W. Dworzaczek’s biographical entry in the *Polish Biographical Dictionary* (Vol. XVIII, Wrocław 1973), Jan Korytkowski's *Archbishops of Gniezno, Primates and metropolitans of Poland ...*, (Vol 2, Poznań 1888), as well as from *Provincial synods of archbishops of Gniezno* (Warsaw, 1971, pp. 98-114) by Ignacy Subera.’ The concordance comparing page 107 of the latter and page 41 of Fr. Tymosz’s book has been included. ‘In the second part of the article there are fragments lifted from various studies by Ignacy Subera which Fr. Tymosz paraphrased without extending their content beyond the original. The treatise *Liber beneficiorum of Archbishop Jan Łaski* had been co-authored with Fr. J. Granda, presently a parish priest of Nieledeu, Diocese of Zamość and Lubaczow. The text on pages 165-189 had been copied from the thesis by Fr. Jan Łukowski *On books of beneficialities in general*, which is an introduction to a source publication *Jan Łaski ... Liber beneficiorum of the Archdiocese of Gniezno*, Volume I (Gniezno 1880, pp. VI-XVI). The differences between the original text and the plagiarised version are minor and typically relate to individual words having been replaced by their synonyms e.g. “because” was substituted with the word “as”.’

Very sharp criticism has been meted out to the six-chapter monograph *The Evolution of Polish Church law until the 19th century in the light of codification* (CUL Publishing House, 2008, 241 pages), a treatise that was presumably designated by Fr. Tymosz to be his so called professorial book. Allegedly, each chapter contains numerous fragments borrowed without attribution from texts written by other authors. The list of their names is attached. The book also contains unsubstantiated claims and large fragments that had been auto-plagiarised. As the priest’s practices have violated copyright law, the professorial book must be withdrawn by the publisher from circulation. Moreover, the copies that had been already sold to libraries must now have a note placed inside each of them. The library catalogue must include an entry informing about the plagiarism and referring the library users to Prof. Uruszczak’s review.

The article ends with the following statement: ‘The analysis of the works published by Fr. Tymosz in the period 2003-2008 exposes prohibited scholarly practices which are not compatible with rigorous scientific methods and procedures. Research depends on researchers

following the rules and reporting the truth. Honesty is an academic's prime duty. Fr. Tymosz disregarded this principal obligation of a researcher, appropriated material from other authors' publications and presented it as if it were his own. Scholarship is the work that depends on truth and to be untrustworthy is a betrayal of this great tool of human understanding.

Fr. Tymosz's works are not scholarship — they are its imitation. The research community must be made aware of the intellectual chicanery in his works. By publishing this article I fulfil my duty and moral obligation to fellow academics, taxpayers and the rest of society.'

Disciplinary proceedings

In June 10, the Vice Chancellor of the Catholic University, Prof. Fr. Wilk, received from Cracow a large dossier. It contained Prof. Uruszczak's report (dated 6th March 2009), which discussed in detail the untrustworthy publications by Fr. Tymosz, and included photocopies of the publications by the Polish authors from whom the priest has plagiarised. The Disciplinary Officer, a sociologist and a lawyer, Dr. K. Motyka, Head of the Department of Sociology of Law and Human Rights at the Institute of Sociology, the Faculty of Social Sciences, the CUL, was instructed by Prof. Wilk to initiate a disciplinary investigation. On 20 December 2010, without prior consultations with the Institute of Intellectual Property Law of the Jagiellonian University in Cracow, Dr. Motyka filed documentation and arguments with the CUL's Disciplinary Committee. He alleged that Fr. Tymosz 'in a number of publications in the years 2003-2008 plagiarised, in a dishonourable way, large fragments of texts copied either verbatim or with small modifications from other researchers' works. However, in most cases he referred to the authors in the footnotes.' Dr. Motyka reported that 'In the course of the investigation, Fr. Tymosz did not contest the allegations that fragments of his publications are very similar, and sometimes identical, to the corresponding parts in the works from which he appropriated. He explained that this was partly unintentional (!), and stressed that Prof. Uruszczak should have not entirely denied his scientific achievements in the years 2003-2008'.

The Disciplinary Officer assigned the penalty of reprimand (!) and substantiated his decision by pointing out that the allegations set out in the review had been confirmed. He stressed that the misconduct had been made public as the preprint of Prof. Uruszczak's article had been posted on the website of the Department of History of Polish Law (http://www.law.uj.edu.pl/~khpp/site/images/adm/Image/Uruszczak_-_Tymosz_recenzja.pdf). Dr. Motyka also

remarked that on December 6, 2010, Fr. Tymosz put in his notice of resignation from the post of Director of the Institute of Canon Law of the Catholic University and from the membership of the University Disciplinary Committee for the CUL Employees!

The Disciplinary Officer did not justify selecting the lowest disciplinary penalty for an offence involving over a dozen cases of copyright infringement, and did not explain why the offender was not prohibited from holding his high managerial post at the Catholic University.

The disciplinary hearing was held on March 18, 2011. The Chairman of the Panel was Fr. Dr. Augustyn Eckmann, Head of the Faculty of Early Christian Literature, and the members were: Dr. S. Steuden, Head of the Faculty of Clinical Psychology and Mr. M. Grosicki, a student of Administrative Studies.

The offender did not dispute the allegations but the Disciplinary Committee was extremely cautious and, prior to the hearing, decided to obtain an additional independent assessment to determine the gravity of the offence. To this end, two experts were appointed from among the CUL's academic teachers. Prof. M. Ołdakowska-Kuflowa, a literature scholar, following a detailed analysis, unequivocally proclaimed in her report dated 21 February 2011 that Fr. Tymosz 'repeatedly committed plagiarism.'

Fr. Zygmunt Zieliński, professor emeritus of the history of the Roman Catholic Church, and a recognised authority on the subject, after comparing the works, in his statement of 16 February 2011, concluded 'that the texts are interdependent' and that in particular 'complete sentences and even paragraphs, are equivalent in terms of linguistics' while the articles analysed 'contain the same factual and biographical information, use the same chronological data, as well as rely on the same sources', and decided that the publications submitted for the assessment do not include any new thoughts, facts or findings. Neither do they contain new methodologies. In summary, he found compatibility with plagiarism defined as 'theft of words and ideas (spoken or written).'

Unprecedented leniency

The Disciplinary Committee concluded that the violations in Fr. Tymosz's works are consistent with the legal definition of copyright infringement in Art. 115 paragraph 1 of the Act of 4 February 1994 on Copyright, which stipulates that 'Any person who usurps the authorship or misleads as to the authorship of all or part of the work or performance of another shall be liable to a term of imprisonment of up to 3 years, restriction of freedom or a

fine.’

The intention on Fr. Tymosz’s part to permanently deprive the owner of their property has been shown as, according to the Committee, ‘a legal history expert and a university teacher who has academic freedom should be aware of the requirement to refer reliably to the sources he used in his written work. Given the manner and the extent of the use of other people’s publications, the Committee has no doubt that the accused was aware of the possibility of committing an offence involving appropriation of another person’s work. In view of these facts, and given the exemplary conduct exhibited by the accused up until now as well as the personal consequences he has already suffered, the Disciplinary Committee has imposed the penalty of reprimand.’

In mid-March 2009 Fr. Tymosz requested the Council of the Faculty of Law, Canon Law and Administration at the CUL terminate his professorship proceedings. The reason was that the Faculty Dean, Fr. Dębiński, received Prof. Uruszczak’s crushing review, and thus became aware of Fr. Tymosz’s copyright infringements, including plagiarisms in his professorial book. The request was approved on 21 April 2009, at a Faculty Council meeting. Yet, Fr. Tymosz was still permitted to teach and remained a member of the Senate Disciplinary Committee for the CUL Employees for a further period of one and a half years, until December 2010.

Even more telling was the fact that on 17 and 18 May 2009, eight weeks after Prof. Uruszczak's negative review reached the CUL, the international conference *Church and copyright* took place at the Catholic University of Lublin. The plagiarist chaired this convention while the Dean and the Vice-Chancellor actively contributed. Not one person protested against a notorious pirate speaking on how to protect intellectual property!

The university should have ordered, first of all, to have all of Fr. Tymosz’s publications thoroughly checked, including his PhD and post-doctoral theses. Such an investigation belongs to the responsibilities of the Faculty Council and this task could have been performed by Prof. Uruszczak who was already familiar with the priest’s works. Till today this has not been done, which indicates that the Faculty Council neglected their duties. What is more, in Poland plagiarism may qualify for criminal prosecution, thus the university authorities were required to notify the District Public Prosecutor, while both Dr. Motyka and the Dean of the Faculty of Law were obliged to inform the Vice-Chancellor that they suspected a criminal offence of having been committed. Yet none of these has happened — the university simply nipped the whole issue in the bud.

The unprecedented leniency of the penalty casts a shadow on the institutional integrity of the Catholic University of Lublin. How is it possible that neither the Disciplinary Officer nor the Disciplinary Committee did not suggest terminating the dishonest academic with a proven long-term pattern of plagiarism?

Another issue is a serious conflict of interest between the defendant and the Chair of the Arbitration Tribunal of the Disciplinary Committee, Fr. Prof. Augustyn Eckmann, who is President of the Scientific Society, CUL, and who had to rule in a case against the defendant - the Society's Treasurer and a member of its Board. What is more, the second participant of the Arbitration Tribunal, Mr. Grosicki is a student of the Administrative Studies at the Faculty of Law, where the accused works. This creates a possibility of putting pressure on the student who naturally wants to pass his exams.

Such circumstances should never have occurred and I am surprised that the Chair of the Disciplinary Board, when appointing the members for the Tribunal, has not noticed a possible conflict of interest in these cases. Another striking coincidence is that the Board and the members of the Faculty Council as well as the university Vice-Chancellor authorised the decision to continue to employ at this prestigious university, as if nothing had happened, an academic who has repeatedly committed plagiarism, and to allow him to hold the position of head of the department. I am inclined to think that the case was not treated seriously by the CUL and involved a cover-up.

Plagiarising scholars come in pairs

On 18 March 2011, the day of Fr. Tymosz's disciplinary hearing, another hearing was held at the CUL. It concerned the alleged plagiarism in a publication by Fr. Dr. Marian Stepulak, the Chair of Family Psychotherapy and the Director of the Institute of Family Studies at the Faculty of Social Sciences.

Fr. Stepulak's case began in late January 2011, when the Vice Chancellor of the CUL and a member of the Salesian Society, Fr. Prof. Wilk, received a letter from Dr. Tadeusz Kamiński, an assistant professor and the Acting Head of the Department of Social Policy at the Institute of Political Science of the Cardinal Stefan Wyszyński University in Warsaw. The letter stated that the just published book *Selected aspects of social work practice. A Polish-German exchange of experience* edited by Fr. Prof. Stepulak and Dr. Julia Gorbaniuk (Lublin - Eichstätt-Ingolstadt, 2010), includes a paper by Fr. Stepulak, 'Personality and moral character

traits required of social workers’.

A fragment of the text, starting from page 71 (beginning with the words ‘The term social work ...’) to page 76, inclusive, is lifted almost word for word from the article by Dr. Kamiński ‘Social work as professional activity’. The article originally appeared in the year 2000, Vol. 16, of the *Seminare*, a periodical published annually by the Francis de Sales Scientific Society in Łomianki, Poland.

Before January 2011 ended, the Vice-Chancellor, Prof. Wilk, asked the Disciplinary Officer, Dr. Wiak, from the Department of Criminal Law, the Faculty of Law, Canon Law and Administration at CUL to conduct an investigation. The Officer received from Dr. Kamiński a detailed list of the fragments plagiarised, most of which were lifted verbatim from the original, including the footnotes. Some excerpts were slightly modified, for instance single sentences have been omitted. In the course of the investigation Fr. Marian Stepulak agreed that the allegations were justified, but explained that his wrongdoing was unintentional. While searching the material available on the Internet he was making notes, which he inadvertently used in the publication, forgetting to add the author’s name. He was not aware of his mistake until Dr. Kamiński contacted him.

According to the Disciplinary Officer the explanation provided by Fr. Stepulak was not convincing as, in the case investigated, it was insufficient only to refer to the works of Dr. Kamiński due to the style of borrowings more involved attributing was required. An independent researcher has to be aware how to refer to the sources they have used and must understand the consequences of unauthorized (or even criminal) appropriation. They need to know how to avoid the confusion related to the authorship.

On February 21, 2011, Dr. Wiak suggested to the Committee the penalty of reprimand for Fr. Marian Stepulak and to forbid him from holding managerial positions for a period of three years.

Justifying the level of punishment Dr. Wiak stated that the allegation of misconduct concerned only one article, and that the otherwise significant achievements of Fr. Stepulak could not be dismissed. The Disciplinary Officer emphasised the commendable attitude of the accused who, when informed by Dr. Kamiński’s letter of the infringements, instantly undertook substantial efforts to compensate the victim for the violation of the copyright laws. He requested an apology be published in the bi-monthly *Social Work* and in the on-line bulletin of the Polish Sociological Association, the *Current News*.

The Disciplinary Officer added that after the CUL received the complaint and initiated the disciplinary investigation, on 1 February 2011, Fr. Stepulak resigned from the position of Director of the Institute of Family Studies, the Catholic University of Lublin, as well as withdrew his application for professorship from the Central Commission for Academic Degrees and Titles. Because of the grave professional consequences that he has already suffered, the penalty proposed for Fr. Stepulak was less severe.

The Disciplinary Committee included Fr. Augustyn Eckmann, Dr. Joanna Misztal-Konecka from the Department of Roman Law and Mr. Grosicki — the student of Administrative Studies. Testifying before the Disciplinary Board, the defendant admitted that he copied parts of the article by Dr. Kamiński. He set the excerpts aside for later use, but by mistake he inserted them in his treatise without attributing. He explained that at the time he was highly involved in the publishing activities of the Institute of Family Studies and his concentration level was low. The book with the ill-fated article was not intended for distribution, but for training of social workers. Thus the paper would not have contributed to the list of his scientific publications. He apologized to the victim in print in scientific journals. He said that on 28 February 2011, he terminated his employment contract with the CUL and his intention is to take up work at two smaller colleges. Therefore he asks not to be prohibited from holding managerial positions.

The Disciplinary Committee, taking into account these circumstances, concluded that the penalty of reprimand was commensurate with the offence. The parties did not appeal and the verdict is final.

To sum up — the same Disciplinary Committee, assessing two cases of different gravity, arrived at the same sentence. In my view, when a low-level offender has been given a sentence equal to that of a major plagiarist, it is time to question the integrity of the disciplinary proceedings. What do the readers think of the double standard used at the Catholic University of Lublin?

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