



## Appendix to the Co-authorship Guideline, Faculty of Law UG

### Introduction

In the world of academia, it is becoming increasingly common for researchers to collaborate on projects with several other people and to publish the resulting paper or article together.

The nature of academic research at our Faculty in particular, and at all Faculties of Law in the Netherlands in general, has changed radically in recent decades. Among other things, more empirical and more interdisciplinary research is being carried out and, as a result, more and more publications are being published that have been written by several authors.

This concerns both traditional legal publications as well as an increasing number of interdisciplinary publications. In both cases, this includes publications written by PhD and Research Master's students in collaboration with their supervisor(s). In addition, some publications are written in collaboration with researchers from other Faculties at which specific, often long-standing, best practices and rules for joint publications apply.

When publishing joint articles as part of the PhD programme, PhD students and supervisors also have to address issues regarding their individual contributions.

This can lead to questions and ambiguities and sometimes to problematic cooperation and conflicts. Such situations may involve improper behaviour or naivety. The risk is greatest if the collaboration concerns a dependency relationship, e.g. in the case of PhD students.

The Faculty believes it is important that its employees are aware of the dilemmas and pitfalls involved with joint publications and encourages them to think about the best practices in this area. The Faculty Guideline is, as far as possible, consistent with the rules and best practices that have been drawn up by other Faculties and journal editors who have a lot of experience with joint publications. These explanatory notes to the Guideline also includes a number of real-life examples.

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### 1. Agreements about co-authorship

**Best practices:** make advance agreements about who will be the co-author and the order in which names will be listed on the paper. Make sure these agreements are put down in writing.

**Explanation:** sometimes it is wrongly implicitly assumed that authors have agreed on the order of names and, as such, this issue is not explicitly discussed. It is a good idea to confirm such agreements in an email, for example.

**Example:** some researchers from two different Faculties are working on a joint research project which results in a report. Researchers from Faculty A secured most of the funding and did the lion's share of the research. When the report is almost finished, it turns out that the principal researcher from Faculty B insists that the authors are listed on the report alphabetically, making him the first author.



## 2. Monitoring agreements

**Best practice:** throughout the course of the research project and during the writing process regularly discuss whether agreements made prior to commencing work need to be adjusted. Make sure these agreements are put down in writing.

**Explanation:** throughout the course of a research project and/or when writing a paper/article, some authors may end up making a greater or smaller contribution than originally expected. In some cases, prospective authors might not actually contribute at all or new authors might be added to the project.

**Example:** a student has a placement position on a PhD research project. The aim of the research is to collect literature relating to part of that PhD research. The student is not expected to write an article or paper. In the course of research it becomes apparent that there is very little literature on the subject in question and, based on the limited literature available, the student writes a literature review which results in a placement report that can be reworked into an article. This development was not explicitly discussed at the start of the placement. The order of authors is only discussed after the article has been submitted. The student did most of the work, but that work formed part of an existing research design; the original plan was that the PhD student would write this article himself, and he needs to have published several articles as first author.

## 3. Supervisor and PhD student

**Best Practice:** if a supervisor meets the requirements for co-authorship (see Best Practice 5), that does not automatically mean he is co-author of an article written by his PhD student. Before the PhD student start writing an article, he should explicitly discuss this issue with his supervisor (see Best Practice 1 agreements).

**Explanation:** supervisors often make a substantial contribution to the design and content of the articles on the basis of which PhD students hope to finish their PhD programme. They often also make a significant contribution during the (re)writing stage, for example, by providing detailed comments with specific suggestions for the structure and content of the article. However, such a contribution is generally considered to be part of the supervisor's 'normal' duties and does not justify automatic inclusion as co-author. The PhD student's interests come first regarding co-authorship decisions.

**Example:** supervisor and PhD student discuss a new version of an article, on which the supervisor has provided detailed comments and feedback. The supervisor casually mentions that he has now provided so much input that he should be listed as co-author. The PhD student is taken aback by this remark. He does not dare bring up the subject and quietly accepts that his supervisor will be co-author. However, it is bothering him because he knows that other supervisors give their PhD students similar input but are not co-authors.

## 4. Order of authors

**Best practice:** the options are: alphabetically or based on their contribution. Faculties of Law do not yet have any concrete agreements in place in this regard. It is debatable whether it is a good idea to have such agreements at all.

**Explanation:** the order differs per discipline and therefore has a different meaning in different disciplines. Generally speaking, you can choose between listing the authors in alphabetical order or based on their contribution. This primarily concerns their contribution to the actual writing of the paper. In some disciplines, the first author is the one who provided the most input and/or the last author is the (first) supervisor or head of the research group. In other disciplines, authors are listed in alphabetical



order, without reference to how much they contributed to the paper. When authors work together regularly, the order often alternates.

In any case, researchers from our Faculty regularly collaborate with authors from other Faculties, such as the Faculties of Social Sciences, Psychology and Economics, and the best practices used at those Faculties must therefore be taken into account.

**Example 1:** see the aforementioned example about the report for which no agreements were made in advance.

**Example 2:** an employee is carrying out research together with his Research Master's student. For the first study, the student's contribution primarily consists of collecting and analysing literature based on the employee's research question; the student makes a very limited contribution to the research design and a limited contribution to the actual writing of the article. The employee is the first author, the student is the second author. For the second study, the student writes the first draft of the article and the employee makes a substantial contribution to tweaking the research design. The student is the first author, the employee is the second author. For the third study, the student is responsible for the lion's share of the research, including formulating the research design and writing the article; the employee provides comments in the margin of the article but does not actually contribute to the writing of the article. The student is sole author. In a footnote he can thank the employee for his comments and, if desired, can provide information regarding the employee's specific contribution.

## 5. Who is eligible to be a co-author?

**Best practice:** here are two examples of other guidelines: ALLEA and ICMJE.

*The European Code of Conduct for Research Integrity: guidelines for good practice (ALLEA 2017)* stipulates the following requirements:

An author has contributed to

- Design OR
- Data collection OR
- Data analysis OR
- Reporting

I.e. *more than supervision* or head of research group

And all authors are fully responsible unless otherwise specified.

The UMCG's code and the *International Committee of Medical Journal Editors (ICMJE)* have more stringent criteria. Both require authors to have contributed not just to one or more of the components but to all components:

The ICMJE requires:

- *Substantial contributions* to the conception or design of the work, or the acquisition, analysis, or interpretation of data for the work; AND
- *Drafting the work or revising* it critically for important intellectual content; AND
- *Final approval* of the version to be published; AND
- Agreement to be *accountable for all aspects* of the work in ensuring that questions related to the accuracy or integrity of any part of the work are appropriately investigated and resolved.

**Explanation:** the ICMJE states on its website that for the majority of medical publications it is likely that not all the authors meet the requirements. In particular, the requirement that all authors must have made a substantial contribution to the writing or revising of the publication can lead to disagreements. Here too, account must be taken of the fact that researchers from our Faculty regularly collaborate with



authors from other Faculties, such as the Faculties of Social Sciences, Psychology and Economics, and the best practices used at those Faculties must therefore be considered.

Contributions from individuals who do not fulfil the authorship requirements can be mentioned in a footnote. Their contribution can also be specified. Examples: "served as scientific advisors," "critically reviewed the study proposal," "collected data," "provided and cared for study patients", "participated in writing or technical editing of the manuscript".

**Example:** one of the prospective co-authors of a publication contributed to the formulation of the research idea, but his input for the final article is limited to comments (some more detailed than others) in the margins of the article without actually writing or re-writing any sections of the article itself. A disagreement arises about whether this input is sufficient for him to be included as co-author.

## 6. Other products of research cooperation

Best practices 1-5 apply not only to publications, but also to other products of research cooperation, such as presentations. Here, too, agreements must be made, and if necessary adjusted, about who is to be listed as an author and in what order.

**Example:** three researchers are preparing a presentation together. In the end, the person who did the most work is unable to work on the slides for the presentation. When he sees the presentation later, he notices that the order of authors on the presentation has been changed without discussing it with him. His name is no longer mentioned first, but last. In some cases, the name of the researcher concerned is left out altogether.

### Useful websites:

<http://www.allea.org/wp-content/uploads/2017/05/ALLEA-European-Code-of-Conduct-for-Research-Integrity-2017.pdf>

<https://publicationethics.org/about/guide/authors>

<https://www.umcg.nl/EN/Research/Researchers/General/ResearchCode/Paginas/default.aspx>

<http://www.icmje.org/>