

Moving Forward: Embargoed MSc Thesis

Travis Horton

Sent: Monday, 19 September 2016 9:54 a.m.

To: Richard Holdaway; Ian Wright

Cc: david.hawke@ara.ac.nz; nicola@nicolahansen.co.nz

Hello all,

Richard has raised some very important points and I entirely agree with his assessment of the inconsistencies and inaccuracies in Dr. Rawlence's rebuttal to the points raised in UC's letter to the DVC-Research at Otago University.

In a separate e-mail to Ian Wright and others, I have laid out a similar suite of evidence to what Richard has indicated below.

From my perspective, the key issue here is how we move forward from this unfortunate series of events. I am disappointed by Ian's decision to take no further action and I have urged him to reconsider this position. Allow me to explain why I so strongly feel this way:

1) The evidence we have collectively accumulated and gained access to demonstrates clearly and unequivocally that Dr. Rawlence knew Olivia Johnston's thesis was under embargo at the time he decided to publish data from the thesis. This constitutes an unprofessional, unethical, and illegal use of intellectual property that did not belong to Dr. Rawlence, nor his co-authors.

Given these facts, what SHOULD be happening here is that Dr. Rawlence should recognise and respect the professional error he has made. Dr. Rawlence could take several actions available to him that would both remedy the situation, at least in part, and demonstrate that he is fully aware (and remorseful) of the seriousness of the unprofessional and unethical decisions he has made. These actions include: a) Dr. Rawlence requesting that Quaternary Science Reviews retract the published article; b) Dr. Rawlence writing a letter, to be published in QSR along side the retraction notification, that communicates the facts of the matter in an accurate and chronologically ordered series of events, admits that he has made a professional error/misjudgment, and apologises publicly to the holders of the intellectual property in question; c) Dr. Rawlence personally apologising to the holders of the IP that has been misused/illegally published; d) Dr. Rawlence enrolling in a credential programme on professional ethics in the sciences.

2) Given how things have unfolded, Dr. Rawlence's rebuttal indicates to me that none of the actions listed above are going to occur - at least not from Dr. Rawlence's own initiation. This is most unfortunate as it clearly indicates that Dr. Rawlence does not understand the mistake he has made (from the information I have seen, there is no indication that Dr. Rawlence has admitted to any fault in this most unfortunate series of events).

Thus, it is imperative that the Universities of Otago and Canterbury require that appropriate actions are taken to ensure that: a) the scientific community knows exactly what has happened; b) the article is retracted; c) that Dr. Rawlence learns from this experience, particularly in the areas of professional ethics and professionalism more generally. Admit fault, apologise meaningfully in both a public and personal manner, gain knowledge and understanding of what is and is not ethical behaviour in the sciences.

Short of a court order, it is only through the universities involved that this positive and forward looking conclusion can be reached. I would not like to see this matter elevate to legal proceedings - this would be a most unfortunate and arduous process for all involved. It is much preferred that Otago and Canterbury universities do the right thing here: uphold the standards of professional practice and ethics both universities follow.

"Taking no further action" is not an acceptable solution given the facts of the situation. I am not convinced that Dr. Rawlence recognises that he has made a mistake. I am not convinced that Dr. Rawlence is remorseful for having made this mistake. I am not convinced that Dr. Rawlence will not make the same mistake again in the future. These issues must be addressed.

The article itself must also be retracted. The facts clearly demonstrate that misappropriated intellectual property was used in direct support of the primary interpretations/opinions presented in the published article. This cannot be allowed to stand. Dr. Rawlence aside, the universities of Otago and Canterbury are now in a position to write to

the editor-in-chief of QSR and request that the article be retracted given the facts that have emerged through your internal investigation.

If the actions listed in this email are taken, I would personally be in a position to move on from this most unfortunate series of events.

Best regards,

Travis Horton
Geological Sciences
University of Canterbury

From: Richard Holdaway
Sent: Sunday, September 18, 2016 10:31 PM
To: Ian Wright
Cc: Travis Horton; david.hawke@ara.ac.nz; nicola@nicolahansen.co.nz
Subject: RE: Embargoed MSc Thesis

Dear Ian

Another point in Dr Rawlence's explanation also warrants rebuttal, that being his *assertion that he could have published the MS without the data from the Johnston thesis*.

This is manifestly incorrect by the facts of history. The paper was rejected in its initial form without the thesis data: both referees recommended its rejection *because they presented no supporting data*. It was only with the *supporting detailed data from the Johnston thesis* that the completely rewritten MS was accepted.

It is therefore a matter of record that, contrary to Dr Rawlence's assertion, the MS was *not* publishable without the data from the thesis.

Regards

Richard

From: Ian Wright
Sent: Sunday, 18 September 2016 5:39 p.m.
To: Richard Holdaway
Subject: RE: Embargoed MSc Thesis

Dear Richard,

I will check again, but my understanding when I conferred with the library is that they don't know whether the abstract or the thesis were requested (just that a request had been made), and that the request was passed to Julia.

But I will ask again.

Unless Julia says she gave Nic Rawlence a copy of the thesis, and it is confirmed that the library can't distinguish / don't know whether the abstract or the entire thesis were accessed, then I'm not sure how UC

can pursue this further.

Do you or Travis have an email from Julia that says she provided a copy of the entire thesis to Nic Rawlence?

Without hard evidence from our end it is difficult to refute Nic's rebuttal to my letter.

Regards

Ian

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-----Original Message-----

From: Richard Holdaway

Sent: Sunday, 18 September 2016 12:17 p.m.

To: Ian Wright <ian.wright@canterbury.ac.nz>; Travis Horton <travis.horton@canterbury.ac.nz>; Anne Scott(Library) <anne.scott@canterbury.ac.nz>

Cc: david.hawke@ara.ac.nz

Subject: RE: Embargoed MSc Thesis

Dear Ian

Thank you for forwarding this response.

Before I comment further, can UC library confirm from IT that the thesis was indeed never downloaded?

Regards

Richard

From: Ian Wright
Sent: Sunday, 18 September 2016 11:17 a.m.
To: Richard Holdaway; Travis Horton; Anne Scott(Library)
Subject: FW: Embargoed MSc Thesis

Kia ora Richard, Travis, and Anne,

I have had further correspondence from UO (as attached), in which Nic Rawlence provides a rebuttal to my letter to Prof Richard Blaikie - Otago DVC.

Given Nic's response I have indicated that UC will not take any further action and I do not now propose to write to the QSR Editors.

I think we all have to draw a breath here, accept Nic's responses, and move on.

Regards

Ian W.

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-----Original Message-----

From: Richard Blaikie [mailto:richard.blaikie@otago.ac.nz]
Sent: Saturday, 17 September 2016 4:13 p.m.
To: Ian Wright <ian.wright@canterbury.ac.nz>
Cc: Gerard Closs <gerry.closs@otago.ac.nz>
Subject: [SPAM: 10.411] FW: Embargoed MSc Thesis

Kia ora Ian,

Through the HoD Zoology, Assoc Prof Gerry Closs, Nic Rawlence has provided the attached explanations in relation to the concerns you raised in your recent letter.

As you can see, Nic will be sending an apology directly to Ms Johnson and co-authors, but has also provided explanation and clarification on other matters that were raised.

I trust that this satisfies the concerns about the integrity of Nic's responses to the QSR editor and reviewers, such that any subsequent correspondence with the journal will not be necessary now.

With best regards,

Richard Blaikie

-----Original Message-----

From: Gerard Closs
Sent: Friday, 16 September 2016 12:43 p.m.
To: Richard Blaikie
Cc: Nic Rawlence; Jonathan Waters
Subject: Re: Embargoed MSc Thesis

Dear Richard

Attached is a detailed response to the issue raised in the letter from Professor Ian Wright re the use of an embargoed MSc thesis.

In short, Nic is happy to apologise directly to Ms Johnson and her associated UC colleagues re the citation

of the MSc thesis. He acknowledges that this was due to a genuine misunderstanding as to what could or couldn't be cited.

Nic refutes the suggestion that he received a full copy of thesis, but only referred to the information available in the publicly available abstract, as per the link that was provided by the UC library (provided in the attached letter). He has also provided the editor's and reviewers' comments on the paper that confirm the editor and reviewers did not refer directly to the thesis.

I am satisfied with Nic's response, and acknowledge and confirm his regret over this incident.

Please advise as to how you would like us to proceed from here.

All the best

Gerry