Transparency vs Confidentiality: Facilitating the Development of a Stakeholder Approach to Allegations of Misconduct in Publications

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Editor/COPE Perspective

• Approach to this presentation: initially from the perspective of Editor/COPE

• Provide analysis of the problems in a silo environment among stakeholders

• Recognition that there are legitimate perspectives and constraints among all stakeholders despite the fact that the result may be partial and problematic
Stakeholders in Research Integrity

Who are the various stakeholders?

Universities – including RIOs and Senior Academic Administrators, Funders, Researchers, Faculty Associations and Unions, Authors, Co-authors and Research Support staff, Graduate students/Post-docs/Senior Undergrads involved as RAs, Whistleblowers, Editors and Publishers and COPE
Relationship of Research Integrity to Publication Integrity

• Although not universally true, the great majority of violations of publication ethics are a direct consequence of violations of research integrity (e.g., disputes about credit and authorship that should have been confirmed early in the research process, fabrication/falsification of data, plagiarism, etc.).

• While honest errors in analyses may lead to serious errors in research, unless there was undue sloppiness or lack of rigour, these circumstances – which may lead to retractions – are not ethical violations or failures of research integrity.

• COPE takes the foundational position that all stakeholders must be committed to correcting and promoting a sound and reliable scholarly record whether the problem arises from honest error or intentional wrong-doing.

• Independent of correcting the record, there are many stakeholders committed to distinguishing between research misconduct and honest errors. The role of fair investigation and appropriate disciplinary action is part of good governance, corporate social responsibility and public trust (including responsibility for the accountable management of public monies and resources).
A Simple Case of Plagiarism – pre COPE case

• Although this is an old case that my journal handled, I am using it because it has many hallmark issues of problems between Editors and Universities.
Case Summary

1. Blind peer-reviewed article accepted for publication. After publication, university scholar sends her article, published two years earlier in another academic journal. First 5 plus pages identical.

2. Two authors and contacted with the evidence and asked for explanation. This is followed by a series of bizarre behaviours which include:
   • One author alleges that the other forged his signature on the consent to publish form and says his name was added to the article without his knowledge or consent (when VP Academic is later contacted, he notes that this article was on author’s cv when he applied for promotion)
   • One author sends threatening legal letter which is a cease and desist or we will be sued. Later follow-up letter says author in hospital because of our allegations
   • One author states that if he is going to quote from an article he has grad student enter entire article so grad student screwed up by not properly identifying quoted content
Universities Contacted

3. We contacted authors’ respective universities through the office of VP Academics and requested investigation and included evidence.

4. We inquired for many months about status of investigation with no response (aside from the comment already noted).

5. After many months and with no knowledge of the status of investigations and with the advice of the publisher’s legal counsel, we published a description of the exact nature of what had happened, referenced the evidence and apologized to the readership and the plagiarized author.

6. We were never informed about the result of any university investigation.

7. The author was angry with how long it had taken and disparaged us for many years.
Recent Chandra case

• 1992 whistleblower research assistant contacts university administration and alleges research misconduct based on 1989 published article with 228 subjects when she was in the early stages of recruiting the subjects for that same study. Study published by BMJ.

• University conducts 1994-95 which concludes there was evidence of multiple acts of misconduct, including publications for studies which were never conducted, attrition rates that were statistically highly improbable, results that were not credible.

• University does not contact any journals, does not disseminate report, does nothing disciplinary to professor in question.
• Finally in 2000 BMJ contacts university about submitted article that they reject and believe to be created out of whole cloth. Article subsequently published in 2001 in different journal.

• Professor negotiates retirement in 2002. University said he was threatening to sue.


• Throughout all of this, there is a great deal of evidence but no comment on whether the university ever discussed any issues with the federal granting agencies which funds university research.
COPE’s recommendation for Editorial Practice in allegations of wrong-doing

1. Contact author(s). Share concern or allegation and ask for response and explanation from author(s). If a reasonable explanation is given and it is an honest mistake, then depending on the level of error, Editors should either correct the record with a corrigendum if minor and without implications for the result or retract the article if the error is significant, substantive and impacts the results of the study. Retractions generally involves additional peer review from specialists, such as, statisticians, epidemiologists. Such reviews were basis for BMJ’s rejection of Chandra’s 2000 paper. Principles of Natural Justice should be respected. COPE’s position is independent of assessing wrong doing and the emphasis is placed on correcting the scientific record.

2. Contact institution if this is not a case of honest mistake but a significant and substantive allegation of wrong-doing. Editor requests university undertake investigation and send conclusion to the editor. Depending on the evidence, Editors will post an expression of concern pending university inquiry or retraction, if the evidence is overwhelming the article will be retracted prior to and independent of the university investigation. COPE and Editors’ perspective is that it is the employer’s responsibility to investigate allegations of wrong-doing and not the Editors.

3. Editors expect timely response from university concerning the outcome of the investigation.
Editor’s issues

- Editors post expression of concern and await outcome of university inquiry

1. Even when university does report outcome of inquiry to editor, investigation may take 18 months-2 years.

2. Interim expression of concern for detailed period frequently brings criticism of journal/editors for not making definitive determination. Authors uncertain about status of citations of article in question.

3. Frequently, universities never contact editors about findings of investigation.
University Perspective

1. Reputation of faculty member(s) are at stake. Confidentiality is necessary for fair investigation.
2. Principles of natural justice must be respected in fairly conducted investigations.
3. Reputation of university may also be at stake.
4. Funders may impose sanctions on university if good governance and accountability is called into question. Certainly, MUN was seen by many as failing in governance and oversight.
5. There may be a Faculty Union with a ratified collective agreement which dictates disciplinary procedures, including the right to representation at all stages.
6. Faculty member may seek independent legal solution to allegations.
7. Conclusion may involve discipline without of findings or actions.
8. University has no binding obligation to inform editors/journal of findings.
Funder

1. My understanding is that ORI does not want author(s) to be directly and initially contacted. Gives wrong-doers heads up to cover their tracks.

2. Accountability and good governance is critical. University is responsible for oversight of all research dollars, even when those funds come from private sources.

3. Research universities also receive public research dollars and there is a legal and moral trust requirement to provide proper oversight.

4. Human participant research, in particular, must protect human subjects of research.
Faculty Union (or Association)

1. It is the union’s legal responsibility and duty to represent the faculty member.
2. This includes the right to representation for the faculty member (often the faculty grievance officer).
3. The union must protect and insure that procedures outlined in the collective agreement and make sure that the agreement process and procedure is not violated by the administration.
Faculty Member

1. Desire to keep job.
2. Desire to keep reputation.
3. Need to keep allegations confidential. Need to protect professional future.
4. If found guilty, need to get the best deal possible.
5. Worried that retraction implies guilt and career devastation even when errors were honest mistakes.
Common Ground – A Principle-based Approach for All Stakeholders

1. Common commitment to research integrity, promoting research and the dissemination of knowledge and protection of the public trust.

2. And, here is where we come together. Separate spheres of responsibility have to establish mechanisms for a rapprochement and coordinated response.

3. All stakeholders (except perhaps for the guilty) share a commitment to the academic enterprise which is research, teaching of research and knowledge and dissemination of research for the common good.

4. Silo approaches do not work!
No easy solution

And here is my plug for COPE and similar strategies by other stakeholders. We want universities, funders and journals/editors to work together to support our common commitment to research integrity and the public trust to create new knowledge for the common good.

COPE’s approach is to do what we do best in accordance with service to our members, namely mediate and collaborate on behalf of those engaged in the project. To date, those members are editors and publishers. Our experiment is to engage universities as members and collaborators too. Future discussion with funders is part of our future plans.
Thanks for your attention.

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Check out our website for more information about the Committee on Publication Ethics