Forum agenda
Meeting to be held on Tuesday 10 March 2015, 3–4.30pm (GMT)
BY WEBINAR

1. Update on COPE activities by the Chair

2. Forum discussion topic: Coming back from disgrace
(http://publicationethics.org/forum-discussion-topic-comments-please-2)

3. New cases
   15-01 Institution alleges paper includes fabricated data (NW)
   15-02 Author disagreement blocks submission (CP)
   15-03 Usurping the rights of junior researchers (FW)
   15-04 The ethics of self-experimentation (JP)
   15-05 Plagiarized figure (MBE)
   15-06 Reviewer requests to be added as an author after publication (MG)

4. Updates
   13-17 Misattributed authorship and unauthorized use of data
   14-07 Authors’ contributions and involvement by medical communications company
   14-08 Institutional review board approval needed?
   14-09 Institutional review board approval required?
   14-10 Possible self-plagiarism and/or prior publication
CONTENTS

2. Forum discussion topic: Coming back from disgrace ......................................................... 3

3. NEW CASES .............................................................................................................................. 4

15-01 Institution alleges paper includes fabricated data (NW) ............................................ 4
15-02 Author disagreement blocks submission (CP) ............................................................ 5
15-03 Usurping the rights of junior researchers (FJ) ........................................................... 6
15-04 The ethics of self-experimentation (JP) ....................................................................... 7
15-05 Plagiarized figure (MBE) ............................................................................................. 9
15-06 Reviewer requests to be added as an author after publication (MG) ..................... 10

4. UPDATES ................................................................................................................................ 12

13-17 Misattributed authorship and unauthorized use of data ........................................ 12
14-07 Authors’ contributions and involvement by medical communications company ........ 14
14-08 Institutional review board approval needed? ................................................................. 15
14-09 Institutional review board approval required? ............................................................... 16
14-10 Possible self-plagiarism and/or prior publication ..................................................... 17
2. Forum discussion topic: Coming back from disgrace
(http://publicationethics.org/forum-discussion-topic-comments-please-2)

The tragic suicide of Yoshiki Sasai, one of the authors of the retracted STAP stem-cell paper (discussed in the Letter from the Chair in the August 2014 edition of COPE Digest), highlights the fact that, above all, the communication of research is about people and about trust. Some researchers are seemingly able to bounce back from a finding of serious research misconduct. For example, Hwang Woo-suk was last year granted a patent related to stem-cells. However, for other researchers in such a situation it is the end of their careers. Some may argue that that is no bad thing; researchers who commit serious research misconduct have no place in research. Contrast that with the situation when a crime is committed. Most places, when a crime is committed, punishment results, and after some time that person is allowed back into society. Indeed, in some jurisdictions, if the crime was not severe, after some period following expiry of the sentence a “spent conviction” may be recorded. That is, history of the misdeed will be erased.

Back to our context:

- If your journal knew that one of the authors of a submitted paper had previously been found to have committed serious research misconduct, would you agree to review the paper?
- If you did agree to review the paper, and the author asks for blind reviewing as he/she could not otherwise be assured of an unbiased process, would you agree to the request (assuming you don’t have blind reviewing already). This was a recent COPE case.
- Flowing from that, should there be a process for researchers who have had a finding of serious research misconduct to be reaccepted as researchers worthy of consideration as authors?
3. NEW CASES

15-01 Institution alleges paper includes fabricated data (NW)

In 2014 we received a communication from the Research Integrity Officer of an academic institution informing us that a paper, published in our journal in 2013, included falsified or fabricated data. We were informed that, following an investigation, they had determined that scientific misconduct had occurred.

Within a few days we received a communication from one of the authors of the paper (who is no longer at the institution) reiterating this assertion and providing some further explanation; that a former student had fabricated data and that it affected the paper (but providing no specifics).

Over the next week or so, other journals by the same publisher received similar notifications from the same author. Initially, we were presented with no information regarding who the perpetrator was or the specifics of the affected data. We were therefore unable to determine how severely affected the validity of the overall paper was and whether a retraction or correction was necessary.

Our initial response was to request further information from the institution and the author. Initially, we were informed by both parties that, as a result of Federal privacy laws, they were unable to divulge any details pertaining to the investigation, aside from what they had already told us. In the meantime, we decided to publish an expressions of concern on all four papers affected by our publisher with identical notices detailing what we knew for certain and stating that we would seek further details from the institution.

Sometime later we heard back from the institution providing further specific information (ie, outlining the fabricated data) for three of the four papers. Of these three papers, two are now in the process of being retracted, while an academic editor has been consulted to advise on whether the third should be retracted or corrected, based on the additional scientific information now available.

However, in regard to the fourth paper, published in our journal, we were told by the institution that no further information was available. The author who contacted us has not provided any specific information either. Therefore, we find ourselves unsure of how to proceed next, as we still do not know to what extent the conclusions in the paper are valid.

**Question(s) for the COPE Forum**

- Should we proceed with a retraction but simply state that we cannot provide further information (something we feel is unsatisfactory for our authors)?
- Should we instead leave the expression of concern online but update it to say that we will not be able to provide any further information?
- Does the Forum have any other suggestions?
15-02 Author disagreement blocks submission (CP)

A paper was submitted to a medical journal reporting original research on human subjects. Two corresponding authors, author A (first in authors’ list) and author B (last in the list) were listed. The paper was sent to external referees but while it was under review, the editor received an email from author A stating that s/he had not read the paper, was not aware of the submission and did not agree with the submission. Author A did not provide any specifics of the disagreement.

The editor immediately contacted author B, who admitted that s/he had submitted the paper after many failed attempts to contact author A. The authors performed the work in the same institution but author A had left the institution prior to the submission and his/her current address/institution was unknown to author B.

The editor immediately contacted the external referees asking them to halt the reviewing process, pending resolution of the conflict. On the editor’s request, author B asked the leadership of the institution to contact author A in order to get input that would allow the submission to proceed but author B informed the editor that no response had been received after 2 months. The editor was also informed that author A had taken legal action against the institution over an unrelated matter, and author B suspected that the refusal to authorize the submission was being used as a weapon in that dispute.

The editor further suggested contacting the leadership of author A’s new institution. However, neither author B nor the institution leadership are aware of author A’s current employment. A web search by the editor found several entries on author A, none of which was indicative of a current academic position. Author A’s email to the editor was from a non-institutional provider (gmail).

The paper reports important work, in which human subjects volunteered to participate. It would, therefore, be very unfortunate for it not to be published.

Question(s) for the COPE Forum

- Is there anything more than the editor can do?
- Should the editor contact author A directly?
- Would it be possible to publish the paper against author A’s objections if author A refuses to provide a scientific basis for his/her objection after a reasonable attempt has been made to obtain it?
15-03 Usurping the rights of junior researchers (FJ)

Three bright final year medical students performed a research project in 2012 under the supervision of an assistant professor in a cardiology institute. The students worked hard and prepared the synopsis and proforma, collected the data and entered it for analysis. At this stage, the supervisor asked for the soft and hard copies of the entire data for checking and further guidance. In all confidence and sincerity, the students handed over all the important documents to the supervisor.

After having all of the data, the supervisor suddenly changed her/his attitude and said that the publication would only be permitted if the supervisor’s name was listed as the first author. The explanation given was that the study was too good to be done by students. The supervisor further blackmailed the students by warning them that if they refused to proceed with the work, she/he would publish them independently by not including the student’s name as a co-author.

The students decided not to continue with the writing of the article as they were being deprived of their rights. The students tried to talk to the supervisor, but to no avail.

In December 2014, one of the students attended a national cardiology conference and was surprised and disappointed to see that two presentations had been made from the research of these students and presented by the supervisor, without including the student’s names. Other names of unconnected people had been included as co-authors.

The students who are new medical graduates feel dejected and are unsure as to what can they do about this injustice. Eventually the article will be published in some journal without any credit to the true researchers. Can the senior faculty usurp the authorship rights of the juniors?

Question(s) for the COPE Forum

- What line of action should the junior doctors adopt?
- How can they protect themselves in future?
15-04 The ethics of self-experimentation (JP)

The author was the subject of his study. He depleted himself of a vital nutrient until he had overt clinical and biochemical signs of the deficiency. He monitored various biochemical parameters as he became more deficient and submitted two manuscripts presenting his results: one detailing the biochemical changes and one detailing the differences in results obtained from different commercially available assays for the nutrient.

Reviewers of the first manuscript raised some concerns about the experimental model used and also concerns about the ethics of the study, particularly the lack of any oversight from an institutional research board. The second manuscript was not reviewed and both were rejected on the basis of the ethical concerns raised by the reviewer and concerns about the scientific validity of the results obtained from one individual.

The author feels very strongly that his experiment was not unethical and argues for the autonomy of researchers. He provided the following arguments for his study:

- The author is both experimenter and single subject, so the requirement for informed consent does not apply.
- There is no institutional involvement, so there is no possibility of coercion.
- The subject was assessed by a psychiatrist and found to be competent to evaluate the risks and benefits and to accept full responsibility for the conduct of the experiment.
- The Declaration of Helsinki does not comment on self-experimentation; it is concerned with research in patients and healthy volunteers. The requirement for ethics approval therefore does not apply. The Declaration of Helsinki cannot be cited as a reason for rejecting reports of independent self-experimentation. The Declaration was not intended to prevent autonomous independent humans from performing and reporting self-experimentation.
- The subject was monitored by a qualified psychiatrist who continually assessed the condition of the subject. It was agreed in advance that the psychiatrist would intervene if, but only if, there was an immediate life-threatening condition.
- The motivation for performing the experiment was ethical in that the subject wanted to investigate the gross differences between the immunoassays he found in an earlier experiment because he was aware of the potential severe consequences of such errors in measurement of this nutrient. There was no conflict of interest.
- The need for IRB or ethics committee approval would totally exclude from publication any self-experimentation research performed by an independent researcher because they will not have access to any ethics committee or institutional review board. This would have prevented the publication of reports of highly useful reports (http://careers.bmj.com/careers/advice/view-article.html?id=20002566 and http://www.bmj.com/content/341/bmj.c7103.long).

The author appealed the decision to reject his manuscripts. Although the appeal was not upheld, we agreed to bring the author’s arguments for self-experimentation to the COPE Forum for wider discussion. It is worth noting that the author’s two papers were eventually published in another peer reviewed journal without any negative response over the ethical issues.
Question(s) for the COPE Forum

- Do other editors at the COPE Forum consider manuscripts on self-experimentation without formal IRB approval?
- What criteria do editors use to determine whether such studies are acceptable?
15-05 Plagiarized figure (MBE)

We received a review paper and it was accepted and published on our website. We then noticed that one of the figures had been copied from a paper published in another journal.

Before publication, we asked the authors if the figures were original or if they needed references, and the authors responded that they were original. After confirmation of the similarity of one figure to a published figure, we contacted the corresponding author again and he/she said they had not seen the paper and it was submitted by a student.

As the paper was “in press”, we thought that we may be able to withdraw it. We contacted the research deputy of our university and the author’s university but we have received no reply.

Question(s) for the COPE Forum

- Is this major plagiarism? Can the authors remove the figure and publish this paper or should the paper be withdrawn?
- Should we contact the author’s university again?
15-06 Reviewer requests to be added as an author after publication (MG)

A paper was submitted to our journal. The associate editor assigned to the paper immediately assigned a reviewer who he knew was well qualified to give a good review, as they had worked with the authors before. The editor did think it odd that the reviewer was not an author on this particular paper, given the close collaboration. However, when invited, the reviewer (R1), did not flag up any conflict of interest or request that they should be an author on the paper.

The reviewer returned a very good review and along with another two reviews (R2/R3), and after revision (where the revision once again was sent to R1) the paper was accepted and published.

A few months later, the journal was approached by another researcher (E1 who is from the same laboratory as R1) who said that this paper had been published with an incomplete author list and that they wanted the paper retracted as they had not been included. After discussions with the editors of the journal, a corrigendum was agreed as the best way forward to amend the author list, as there was nothing scientifically wrong with the paper.

In the course of the conversations with E1, it became clear that R1 was involved in the publication from the beginning (specifically designing the experiment discussed in the paper). In the meantime, the corresponding author supplied the editors with the corrigendum text where a new expanded author list was outlined, which included E1 and R1, and the acknowledgements were also updated to include several other researchers’ contributions. Along with the corrigendum text, the corresponding author also included pdfs of emails they had received from all of the authors (including E1 and R1) in which they agreed to be named as an author.

The editor in chief has written to the corresponding author saying that it is not possible for R1 to be included in the author list as they had been a reviewer on the paper, and did not flag up at any time that they thought that they were an author. The editor in chief suggested that R1 be withdrawn from the author list proposed in the corrigendum. The corresponding author replied that there had been a meeting between the two laboratories affected, the content of the paper was evaluated and those people who should be listed as authors were identified. R1 was identified as an author during this meeting (as well as E1). The corresponding author acknowledged that there was a clear conflict with R1 having reviewed the paper, when they should have been a co-author. The corresponding author suggested that R1’s review be stricken from the record and the other two reviews used as the reason for accepting the paper.

The corresponding author wants to have R1’s contribution to the paper reflected in the author list and has requested that we publish the original corrigendum. The journal editors have discussed this and have come to the conclusion that although there is nothing scientifically wrong with the paper, it will need to be retracted as the peer review process for this paper has been compromised. They are willing to give the authors the chance to resubmit the paper with the full author list and have it re-reviewed (new handling editors and reviewers).

Question(s) for the COPE Forum

- Should the editors offer the option of a revise and resubmit following a retraction?
- If the authors do revise and resubmit, it is likely the paper will be accepted (as there is nothing scientifically incorrect with it) so there is a possibility that the journal will have a retracted paper and a published paper which look very similar by the same (if expanded) author list. In this happens, would a cross linked editorial be needed to explain the situation?

- Is a retraction merited given there is nothing scientifically wrong with the paper? A suggestion has been made to publish the corrigendum with just E1 as author (not include R1).
4. UPDATES

13-17 Misattributed authorship and unauthorized use of data

Case text (anonymised)

The director of a research laboratory contacted our journal regarding an article published earlier this year. The director claimed that the documents and data used in the article were collected at his research laboratory and used by author A without his knowledge and permission.

At the time, author A was a visiting scholar at the director's laboratory. The director also claimed that author B and author C (both PhD students under the director's supervision) were listed as coauthors without their knowledge. Additionally, he claimed that author D (author A's supervisor at his primary affiliation) was not in any way involved in the research described in the article and should be removed from the authors list. The director stated that he wishes for the article to be withdrawn.

In his email to our journal, the director forwarded us his previous correspondence with author A to corroborate his claims. In their correspondence, author A basically admits his mistake, apologizes and assures the director that he already contacted our journal in order to withdraw the paper. The correspondence between the director and author A occurred approximately 3 months before the director contacted us. Our journal never received a request to withdraw the paper from author A.

However, even though the forwarded correspondence clearly incriminates author A, as far as we know it is not possible to determine whether the forwarded emails are authentic or edited.

After receiving the director's message, we contacted all of the authors in an attempt to resolve the case. At the time of submission, author A was affiliated with institution 1 and institution 2. Author D is affiliated with institution 1, while author B, author C and the director are affiliated with institution 2. Author A stated that he included author B and author C as coauthors due to their help with language editing, but he agreed with their request to be removed from the authors list. When asked to comment on his previous correspondence with the director, he claimed in vague terms that the misconduct allegations stem from some personal disagreement between the director and author D during their collaboration on a research project.

Author B requested his removal from the authors list as well as withdrawal of the article. Author B also claimed that some of the data in the article were not valid. He did not respond to our request to clarify in what way were the data were flawed. Author C requested his removal from the authors list as well as withdrawal of the article. Author D was contacted a week later than the others due to a faulty email address. We informed him that author B and author C expressed that they wish to be removed from the authors list and he agreed with their request.

As all of the authors have reached a consensus regarding authorship, we intend to correct the record and remove author B and author C from the author’s list.
The director was asked if he could provide some other proof of his allegations besides the forwarded email correspondence between himself and author A. He did not provide any other proof and demanded that the article be removed at once and that author A's institution (institution 1) be notified of his scientific misconduct. Additionally, he claimed that author B performed the majority of the research presented in the article as author A had insufficient experience in the field.

Author A was asked to comment on that claim, but he maintained that he wrote the article and did not use data collected in the director's research laboratory.

We do not have the means necessary to pursue further investigation of this case by ourselves, which is why we are seeking advice from the COPE Forum.

**Questions for the COPE Forum**

1. Should the forwarded email correspondence between the director and author A be considered conclusive evidence of alleged scientific misconduct on author A's behalf?
2. Should we retract the article based on the scarce information we have managed to gather?
3. Should we first publish a correction in order to rectify the misattributed authorship and deal with the data ownership issues separately? If so, should we try to further resolve the data ownership issues ourselves or refer the case to author A's institution?
4. Should we publish an expression of concern detailing the alleged misconduct, inform author A's institution about the allegations, request an institutional investigation and wait for the results of their investigation before making a final decision about this case?
5. Does the COPE Forum have any other suggestions on how to proceed with this complicated case?

**Advice:**

The Forum agreed that the editor has reached the point where he cannot investigate this further or hope to resolve this issue, and hence he should now contact the authors’ institutions and ask them to investigate the matter. The Forum suggested contacting both institution 1 and 2, providing them with as much information as possible. The editor cannot resolve the issue of who owns the data. As the editor has concerns about the article as it stands, it was suggested that he publish an expression of concern, alerting the readership that there may be problems with this paper. However, others cautioned about the timing of publishing an expression of concern—should the editor wait until after the investigation by the institutions? On polling the Forum audience, the majority agreed that they would wait for the results of the institution’s investigation. However, the Forum reiterated that this must be an editorial judgement, taking into consideration whether the editor has a reasonable expectation that the institution will investigate the matter in a timely fashion.

The Forum suggested the editor might like to consult the COPE retraction guidelines for guidance on when to issue an expression of concern.

Unauthorized use of data came up as a prime issue in a recent study of the re-classification of the COPE cases in the past 10 years. Also, the Montreal statement on research integrity in cross boundary research collaborations came out of this year’s World Conference on Research Integrity (http://www.wcri2013.org/Montreal_Statement_e.shtml), and this statement addresses these types of issues. Editors may wish to refer authors to their guidance.
Follow up:
After efforts to investigate the alleged misconduct had failed, the journal referred the case to the institution where the misconduct reportedly occurred. The editor was subsequently informed that the reported issues had been discussed internally and that it was ultimately decided that no further action or investigation would take place.

Since there is no conclusive evidence of misconduct, the journal will not be taking any action with regards to the issue of allegedly unauthorized use of data. However, action will be taken to rectify the reported and confirmed authorship issues.

14-07 Authors’ contributions and involvement by medical communications company

Case text (anonymised)
The editorial office was contacted by someone who indicated that s/he has been working with a medical communications company on several manuscripts and has become concerned about the minimal extent of the authors’ contributions to manuscripts handled by the company. The work requested by the company goes beyond language editing, and involves developing parts of manuscripts into narrative on the basis of an outline, and also the addition of references. Based on responses from authors, our contact was also concerned about authors’ level of understanding of the work and study design being reported in the manuscript. Our contact has been asked to respond to reviewers’ comments on behalf of authors.

We asked for details of the manuscripts this person worked on; one is currently under consideration by the journal. On submission, the authors declared language editing assistance by this company, but not developmental editing. The cover letter included several inaccuracies about the work reported in the manuscript. After being queried about these errors, the authors acknowledged that they followed a template for the cover letter provided by the company and that it was their first time writing a paper of this type.

Our contact has been willing to work with us on the basis that we will maintain anonymity. We feel that there are sufficient concerns about the contributions to the manuscript that we should confront the authors about this point—however, this will reveal that we have had interactions with the person involved in the editing.

Question(s) for the COPE Forum
- Should we proceed to contact the authors regarding the contributions to the manuscript?
- What is our duty towards the person who raised the concerns to our attention?
- Are there any steps that we can take to identify this type of situation in the future?

Advice:
The Forum suggested there were two separate issues here—dealing with the author and dealing with the medical writer. Is the medical writer a member of any professional organization, such as the American Medical Writers Association (AMWA), the European equivalent (EMWA) or the International Society for Medical Publication Professionals (ISMPP). If so, these organizations usually have a code of conduct that should be followed, so this is an area that the editor could look into.
The Forum suggested that the editor needs more clarification from the author. As there is some discrepancy in the author knowledge of the paper, this could be a way in for the editor to approach the author for more information while preserving the anonymity of the whistleblower. The editor needs to obtain evidence without disclosing the whistleblower.

One suggestion put forward was for the editor to check the properties of the original paper and see who authored it. This can sometimes reveal any discrepancies, although the Forum advised that in-depth investigations are beyond the remit of the editor.

As this is a clear case of ghost writing, the Forum suggested that the editor has an obligation beyond rejecting the manuscript, and that the editor should report the case to the institution and ask them to investigate.

On a show of hands, the Forum were unanimous in COPE discussing the role of the medical writer further, perhaps as a topic for a Forum discussion in the future. We need more clarity on the role of the medical writer in relation to authorship, and their relation to the author.

**Follow up:**
The journal followed-up with the authors and stated that the editors had reasons to believe that there had been substantial input into the editing and preparation of the manuscript beyond that declared in the authors’ contributions. The editor requested comments on this and a copy of the original rough document the authors had submitted to the medical communications company. The authors indicated that they only requested input from the company after completing the rough draft, but they submitted a file that did not list as author any of the authors on the manuscript—in fact, the name listed as author on the file was that of the freelancer.

The editors decided to reject the manuscript, indicating to the authors that concerns remained as to whether the work was designed and written by the authors to an acceptable extent. The journal plans to raise the case to the attention of the authors’ institution.

**Update (March 2015)**
The journal reported the concerns to the authors’ institution, as previously outlined. They have so far not received a response from the institution. The journal is looking into ways to identify this type of issue in a more systematic manner, but in terms of this specific manuscript, the editor considers the case closed.

**14-08 Institutional review board approval needed?**

**Case text (anonymised)**

A graduate student submitted a paper to a journal and noted that in her country, unless the research is directly medical, institutional review board (IRB) approval is not required or completed. The journal has a policy of requiring IRB approval on any human subjects’ research. This study was looking at practitioners and their work with students having a particular diagnosis.

The editor received a note from the author with the information that in the country of origin, no ethical approval was required on a master’s thesis. The study was conducted in accordance with ethical principles of the Helsinki declaration. The author noted that the results of the
master’s thesis might be of importance and could make a contribution to the literature. It was supported by the university that sponsored the thesis but had not gone through an IRB.

Question(s) for the COPE Forum

1. Is there ever a time when IRB approval should not be required before review and publication of research?
2. How strictly should the editor adhere to these requirements? With this submission, it would be an automatic reject without IRB approval.

Advice:
The Forum noted that institutional review board approval was the topic for discussion at the previous COPE Forum on 8 July 2014. A summary of the discussion and comments can be found on the COPE website (http://publicationethics.org/files/u661/Forum_Discussion_Summary_Fair%20play%20for%20researchers_final.pdf).

The Forum advised common sense in approaching this case. Is the study of value? Does the editor have any concerns regarding the research or any other ethical concerns? If not, and the editor wishes to publish the paper, she should obtain proof from the authors that the study does not require ethics approval. This could be in the form of guidelines from the country in question, or a letter from an institutional review board (IRB) stating that the study does not require ethics approval. Hence the editor should ask the author to provide a written report on why the study did not require ethical approval.

The Forum agreed that it would be harsh to penalise the authors if they have done an ethical study within the framework of their local laws, which can vary greatly from country to country.

Of course, there is no guarantee that a study is ethical even if it does have approval from an IRB, so the editor should always be wary.

The Forum noted that transparency is important, and if the study is published, the editor may want to publish a notice explaining why it was published in the absence of IRB approval. Another suggestion was for the editor to ask her editorial board members to review the paper and seek their opinion, and to help establish guidelines for future cases.

Follow up:
After receiving the Forum’s advice, the editor established an ethics committee of members of the editorial advisory board. The editor presented the question to them and also forwarded the submitted manuscript. The sample was small, and the editorial advisory board agreed that individuals could be identified in the community of origin which would negate the assurance of anonymity. The editor rejected the article.

14-09 Institutional review board approval required?

Case text (anonymised)
We have a query regarding institutional review board (IRB) approval for a paper in production.
The paper reports on a 2 year follow-up and cost-effectiveness evaluation for a treatment programme. A previously published paper reports on the original evaluation of the treatment programme. The authors have not obtained IRB approval for either body of research.

The initial research was described as a report of outcomes from 5 years of clinical experience with the programme, rather than as a clinical trial, and as such IRB approval was not sought. For the paper currently under consideration, the authors’ original statement in the paper was that “Institutional review board approval was not required as patients were treated with approved diagnostic and therapeutic procedures according to generally accepted standards of care”. We were unable to verify this as a valid reason for exemption from the requirement for IRB approval.

Having found no clear grounds for the exemption on the basis offered, we asked the author to provide a reference or further information regarding this basis for exemption. The author responded that the research was exempt under the following US federal regulation: “Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects”.

Our concerns with this justification are that the data are not publicly available, and that the data include follow-up telephone interviews, which seem in conflict with the requirement that the data should be de-identified, and that indeed the follow-up interview information are new data, not existing data or records.

Question(s) for the COPE Forum
- Is this research publishable in the absence of IRB approval?

Advice:
The majority of the Forum noted that they would err on the side of caution—if the editor is unable to verify that the study received IRB approval, then they suggest that he should not publish. The Forum advised contacting the authors and informing them of the journal’s decision. The Forum noted that this is a good opportunity to look at the journal’s instructions to authors. The instructions to authors should be very clear about the journal’s policy on IRB approval, and what type of ethical review is required by the journal.

If however, the editor did decide to publish, the Forum would advise publishing an explicit statement within the paper, outlining the ethics approval process and detailing the facts of the case and what the actions of the editor were.

Follow up:
The authors elected to ask a private institutional review board (IRB) to review the study, and the private IRB verified that the study was exempt (retrospective, de-identified data). We obtained a copy of the IRB’s decision and published the paper with an explanation of the exemption.

14-10 Possible self-plagiarism and/or prior publication
Case text (anonymised)
In October 2014 it came to our attention via one of the reviewers of a manuscript submitted to our journal that an identical article (100% identical) had been previously published on the website of the author. The submitting author had not made us aware in their submission documentation that the article had been publicly available on their website at the point of submission. Two different but related issues arise from this.

Firstly, as it is the journal’s policy to conduct blind peer reviews of each submission received, it is impossible to uphold this policy where submissions already exist, as does the present one, in an identical form in the public domain. Secondly, there is an issue of self-plagiarism. In academic contexts, it is not permissible to re-use identical copy for multiple submissions, and would in all likelihood be regarded as a case of academic misconduct.

We have consulted the COPE website for advice but there does not appear to be a comparable case whereby the original identical article is in the public domain but not previously published in another journal. We are also aware of the various definitions and types of plagiarism and self-plagiarism which render the details of this case a grey area (COPE Discussion Document: How should editors respond to plagiarism http://publicationethics.org/files/Discussion%20document.pdf), and that copyright and rights of author issues may apply.

In summary, both co-editors of the journal consider that this case constitutes self-plagiarism and possibly redundant/duplicate publication according to the COPE Case Taxonomy (http://publicationethics.org/cope-case-taxonomy). The two COPE case taxonomy areas we refer to in this case are:
- ‘Self-plagiarism’ (submitted article)—reusing one’s own previous writing without being transparent about this or appropriately referencing/quoting from the original” and
- ‘Prior Publication’—The publication, or attempted publication, of whole or substantial parts of the work/data/analysis that have already been published, or have been submitted elsewhere, without transparency or appropriate declaration/referencing.

We have contacted the author, forwarding the two peer reviewers’ comments which both contained major revisions to the manuscript, also pointing out that we are aware of the existence of the article on the author’s website.

Question(s) for the COPE Forum
We would be grateful for the Forum’s advice on:
- Whether to pursue this as we would a case of self-plagiarism of a previously published journal article (ie, reject the paper) or whether it would suggest an alternative course of action(s).
- The other related issue is the publication of ‘green copies’. While many journals, including our own, now encourage authors to make their own author copy available on public forums (eg, researchgate, institutional fora), such publication would normally take place after the publication of an article in a journal and not before. It is our concern that better policies need to be developed around prior publication.

Advice:
The Forum advised that it is up to the editor and the journal to decide what they regard as prior publication. Journals should provide guidance on their website, detailing what they do and do not consider prior publication. Many journals provide lists of what they consider prior
publication, and these lists vary greatly from journal to journal, and between different disciplines.

It is crucial that every journal discusses this at the editorial level and decide what they consider to be prior publication and then puts this information on their website and on the online submission system. There is no general guidance on what is considered prior publication—it has to be an individual journal decision. In some areas prepublication posting is encouraged, and may be required eg for clinical trials. This is a rapidly changing area and journals should be prepared to modify their policies over time, with the increasing number of prior publication options becoming available (eg, blogs, preprint servers). This does raise issues in relation to blind peer review.

Regarding the present case, if the journal has not been explicit about what it considers prior publication, it may be difficult to accuse the author of self-plagiarism or duplicate publication. The author may reasonably state that he was unaware of the journal policy. Some members of the Forum noted that they would normally allow this form of prior publication but there should be a link to the previous version, and the author should have made the journal aware of the previous publication.

Other members of the Forum stated that they would definitely consider this prior publication, and would reject the paper.

So the editors needs to decide for themselves what they consider to be appropriate for their journal and their discipline.

There is an initiative called CrossMark, available for publishers, which provides a “version of record”, making it very clear which is the published version with linking to any other versions.

**Follow up:**
The editorial decision was to reject the manuscript in its current form, but offering the author the option of resubmitting the article following a substantial and complete reworking of the manuscript to include all of the feedback from the reviewers. The editors confirmed that they would require every one of the reviewers’ suggestions to be addressed in any resubmission, and that they did not guarantee acceptance of the resubmitted manuscript, which would be subject to further review by the same reviewers as previously. To date the journal has not received a reworked new version of the manuscript.