

Addressing ethics complaints from complainants who submit multiple issues: COPE Discussion Document

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This guidance has been drafted following a COPE Discussion Forum (4th December 2013, <http://tinyurl.com/kc94jzk>), in view of the complexities inherent in investigation of complaints from anonymous “whistle blowers”, and specifically in response to requests from members. COPE welcomes feedback on this document and we encourage journal editors and publishers to comment (whether or not they are COPE members). Please email all comments to Natalie Ridgeway, COPE Operations Manager at <http://publicationethics.org/contact-us>

Background

On occasion a journal may get not one, but a series of complaints from the same source. Complaints may be directed at an author, an editor, or the journal in general. If these complaints turn out to be well founded, investigations should proceed as warranted. However, there are also cases where a complainant makes repeated allegations against a journal, editor, or author that turn out to be baseless. Examples of multiple complaints include:

1. Complaints may deal with matters outside the remit of the journal, such as personal complaints against an author or editor.
2. Repeated complaints may be trivial or inaccurate allegations about published articles. COPE has seen cases where repeated allegations were made regarding plagiarism, but evidence presented consisted only in relation to common English phrases like “...has been proven to”, “In previous research, we observed that...”. In other cases, complainants list articles with similar titles as incidences of plagiarism; however, the content turns out to be entirely different.
3. Complainants may flood discussion threads by repeatedly submitting comments about earlier comments, and will not accept that a certain topic has been closed.
4. Finally, editors may receive repeated complaints from researchers who insist that their work should have been cited in a more recently published article.

When the above happens on an incidental basis, editors can deal with such cases by following standard procedures. However, how should they act when the complaints do not stop, get personal, and start being discussed more widely? This document attempts to address possible ways that editors may prevent or address persistent or repeated complaints from a single source, while ensuring that legitimate complaints are dealt with appropriately.

Guidance

1. COPE believes that it is important to provide due consideration to any and all complaints received concerning alleged ethics violations. Even sources who have previously submitted unsubstantiated or nonspecific allegations may have valuable information concerning an actual instance of research or other misconduct.
2. Notwithstanding this principle, COPE also finds that investigations of vague, superficial, or unsupported complaints can be wasteful of journal resources and harmful to the scholarly publishing community.
3. To balance these conflicting factors, journals should have clear written policies and internal processes providing for preliminary rapid review of ethics complaints, and these policies should be made readily available either online or in print form. Such policies and processes should include, at a minimum, the following:

- a. Identification of a specific individual or individuals who will review all complaints received by the journal.
- b. Specification of a threshold that must be met before the journal will conduct additional investigation into the complaint. Elements of this threshold may include:
 - i. Identification of a specific, non trivial act of professional misconduct during the research or publication process. Differences in professional opinion or disputes that are purely of a personal or legal nature are not within the purview of the journal's investigation process.
 - ii. Level of documentation provided. The journal must be provided with sufficient, specific information about the matter to demonstrate that a potential ethics violation may have been occurred.
 - iii. Timeliness of the complaint. Because of the evidentiary challenges inherent in locating individuals and documentation relating to older papers, journals may wish to specify that only in extraordinary cases will the journal investigate complaints relating to a paper where greater than a specified number of years have elapsed since publication.
 - iv. Extent to which complaint raises new/unresolved matters for review. Complaints relating to circumstances that have already been reviewed and investigated or dismissed will not be re-reviewed unless sufficient new evidence is provided to merit reconsideration.
 - v. Anonymity. While anonymous complaints should be treated respectfully and accorded a fair and serious review, journals should endeavour to encourage individuals to provide a name and contact, noting the limitations that anonymity imposes on the investigation process; e.g., that anonymity may make it hard for the journal to judge the credibility of the complaint and may hamper the journal's ability to make further investigation (if the journal is unable to contact the complainant with follow-up inquiries).
- c. Initial communications with a complainant whose complaint does not meet a threshold for additional inquiry should specify the reason(s) for the insufficiency, with references to educational guidelines if applicable.
- d. If additional complaints are received on the same matter without sufficient new evidence to change the editor's opinion from the prior review, editors may need to reiterate that this matter had been reviewed and found insufficient, and that in the absence of significant new information, the journal considers the matter to be closed.
- e. In the event that a complainant persists in submitting complaints on a meritless or unsubstantiated matter, the journal may choose to refer the complainant to legal or ethical mandates that may be applicable to the complainant, particularly any applicable laws, codes, or legal standards on defamation, and any ethical guidelines prescribing reckless, false, or malicious statements or indiscriminate criticism. In cases where the complainant's institution or other governing entity is known, the journal can remind the complainant that his/her conduct may be ground for a referral to such institution.
- f. Complaints of a harassing, offensive, threatening, or defamatory manner should be referred to the journal or publisher's legal counsel or other appropriate authorities and the journal should notify the complainant that allegations made in such language will not be investigated.

References/Further reading

1. "Defamation, libel, and slander law." http://www.expertlaw.com/library/personal_injury/defamation.html. Includes information about grounds for a defamation claim under U.S. law.
2. Defamation Act 2013. <http://www.legislation.gov.uk/ukpga/2013/26/contents/enacted>. Legislation describing defamation claims under U.K. law.
3. COPE. "Responding to anonymous whistleblowers: COPE discussion document." publicationethics.org/files/Whistleblowers_document_Final.pdf
4. Center for the Study of Ethics in the Professions. <http://ethics.iit.edu/research/codes-ethics-collection>
5. Collection of professional codes of ethics, some of which include ethics prohibitions on false/malicious statements criticisms of other professionals

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