

Use of editorial sanctions

Richard Horton
Editor, *The Lancet*

“The greater the potential effect on an individual’s reputation, freedom, or livelihood, the greater must be the due process afforded.”

Barbara Mishkin, US lawyer specialising in scientific integrity.

The Danes have been officially dealing with research misconduct for some years, and it would be useful to invite them, together with their colleagues in Norway, Finland, and Sweden, to attend COPE meetings and relay their experiences about how they have handled allegations of fraud. These countries have dealt with 41 cases since 1993, and authorship issues top the list of misconduct inquiries.

The Danish experience

	93	94	95	96	97	Total
Cases	15	5	2	10	9	41

Issues of misconduct in Danish scientific publications

Authorship issues	10
Suppression of unwanted data	4
Unauthorised use of data	4
Plagiarism	3
Flase description of method	3
Distorted statistics/conclusion	2
Theft of data	2
Construction of data	2

In the USA research misconduct was brought into stark relief by the Fisher case which showed how widely disconnected journal editors had become from the scientific misconduct process. As Parrish commented, “there are different expectations regarding the obligations of authors, research institutions, and federal agencies about informing the relevant journals when an allegation of scientific misconduct is made about a publication in its pages.”¹

Should there be a national body to deal with research misconduct, and what should it be responsible for?

The following could be priorities it might adopt:

- Institutional memory
- Training and education
- Setting standards
- Investigation
- Securing public confidence

How do we define fraudulent research? According to Peter Medawar, a scientific paper is a fraud “in the sense that it does give a totally misleading narrative of the processes of thought that go into the making of scientific discoveries.”² Once research misconduct has been defined, due process must seen to be done; there must be access to the evidence, and the opportunity to refute allegations.

Due process is perhaps best summed up by a quote from David Sharp, Deputy Editor of *The Lancet*, in 1991: “Most medical journal editors who have had to face allegations of fraud in their own pages will have realised the need for fairness to all, for ‘due process’ or ‘natural justice’.”

How we deal with fraud as editors ranges from the private—beginning with a letter of explanation to the authors—to the public—beginning with retraction, and the reasons for so doing—to a mixture of the two, including banning submissions and reporting individual doctors to the GMC.

Editorial sanctions (so far)

Private	Letter of explanation Letter of warning Letter to institution/funding body
Public	Publication of notice: retraction, redundant publication ... Editorial, explaining full details
Private/public	Ban on submissions: individual, unit, institution Report to GMC

But retraction does not have a particularly good record. A Medline search for the years 1996 and 1997 showed that there had been 235 articles retracted, yet the citations after retraction amounted to 2034.³

“Editors have done too much to encourage articles that are short rather than long enough to be able to report and discuss all the findings in a single paper . . . hence I would suggest a new philosophy of encouraging the longer and better article at the expense of the shorter and meretricious one.”

S Lock (1996)⁴

“We must end this ludicrous emphasis on authorship as a goal in itself, the obsession with having one’s name on as many articles as possible.”

S Lock (1996)⁴

ISSUES TO CONSIDER WHEN DECIDING ON MISCONDUCT

Issues for editor	Author intent
Etiquette	Intentional malpractice
Ethics	Negligent practice
Error	

References

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- 2 Medawar P. *The strange case of the spotted mice*. Oxford: OUP, 1966.
- 3 Budd JM, Sievert M-E, Schultz T. Reasons for retraction and citations to the publications. *JAMA* 1998;**280**: 296–7.
- 4 Lock S. Fraud and the editor. In: Lock SP, Wells F. *Fraud and misconduct in medical research*. London: BMJ Books, 1996.

Debate

Role of education

It was suggested that the principles of academic honesty should be included in medical students' courses, and that a policy of "zero tolerance" should be adopted in this respect.

It was thought that sanctions early on would prevent the occurrence of major fraud. If COPE allowed editors to publish the guidelines and use the sanctions appropriate to the misdemeanour, that these would help educate and deter. "It is important that the due process should be as much educational as punitive," commented Anne Cockcroft.

It was agreed that journal editors have considerable leverage because authors want to publish, and that means that editors can have a significant impact on the culture of science.

Thresholds for involving the author's institution

Richard Smith reiterated the importance of pushing back the concern to the institutions, because editors don't have either the legal legitimacy or the means. He felt that the institutions would then discover that they don't know how to handle these things and consider whether they should have an institutional policy. It would also create a climate whereby people will demand some kind of national body, he said, because they won't be able to manage without one. "And the corollary of that is we should have a fairly low threshold of involving the institution—authorship, for example. If I had reported those four people I mentioned this morning on the grounds that I was confident that this was misconduct and they should be struck off, then I wouldn't have dared do it. All I'm doing, is saying to the institution is there are enough

signs and signals here that I am confident that somebody ought to look hard at this, somebody who does have due process, somebody who does have legitimacy. If after you've looked at it, you come back and tell me that it's all fine then all well and good. But if you discover there's a problem, I will publish it in the journal."

Richard Horton confirmed that going back to the institution with a reasonable letter was very helpful. "I've done this three times. Twice at least I've had a really grateful letter expressing gratitude for pointing it out, and hoping that the sanction of non-acceptance of any further studies for two years would not be applied. They did do something about it, which suggests that somewhere nearer to zero tolerance is probably a good idea, feeding back material all the time."

It was felt that feedback to institutions, as well as having the effect of making them confront the issue, like clinical complaints, would make people think about the whole framework in their institutions for prevention. It's not just the quality of patient care, but the quality of everything that the NHS or university does, and research is an important part of that. Extreme mechanisms might be needed for handling extreme cases and normal governance for handling the minor misdemeanours.

What is the threshold for referral to an institution? Do we think that we should handle anything internally, such as dual submission, redundant publication, a little bit of plagiarism? Do we feel that as journals we shouldn't apply any sanctions at all? asked Michael Farthing. "There's a tremendous danger of crying wolf and starting to send everything to institutions.

Ron Davis, North American Editor, *BMJ*, suggested that if there was an allegation of manufacturing data the editor must go back to the institution, "but in the case of redundant or duplicate publication I don't see why in most cases, in fact all cases, the journal editor couldn't handle that by him or herself, perhaps consulting with the editor of the other journal where the duplicate publication might have occurred."

Richard Smith said that another reason for going back to the institutions is where something minor turns out to be much more serious, when the data are assessed: "I know that the institutions most of the time don't have a clue what to do. Some kind of investigation process is not the kind of thing that deans know about, not the kind of things that editors know about."

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“What’s really happening,” said a delegate, “is that there’s a suggestion of some impropriety over which we as editors cannot finally be the arbiter and that we’ve got two choices, either it stops with us, and the information goes no further, and nothing happens, or we allow ourselves to be a channel for that problem to land on the desk of somebody who potentially is in a position to do something about it. I feel that it’s not about crying wolf because that would imply we’re delivering a sanction or punishment. All we’re doing is refusing to do as we used to do, and to effectively allow malpractice to continue by the fact that we don’t take any action; and it’s not for us to judge if it’s fraud or not fraud, but pass it to someone who can decide.”

It was suggested that a low threshold should be adopted because it would then become routine and lead to greater openness. But it was also suggested a low threshold of naming and shaming people before an investigation had taken place, would be like publishing the name of an alleged murderer in the newspaper. “You don’t make an allegation. You raise question marks,” was the response.

At Southampton a system has been introduced where every division in the medical school has a responsibility to review what is being done scientifically. “We are going to take two publications a year and have an independent group of three people review the raw data. It will be done randomly so everybody is on their mettle.”

But not everyone agreed that institutions were equipped to cope. “I have suspicions that someone might be a murderer; shall I refer them? If they might be a bank robber, should I refer them, if they park on a double yellow line should I refer them? Most of the time, and there may be exceptions, we know that, in fact, the people you complain to in medical schools actually don’t do anything, so we do need a national body that will

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Arthur White (Scottish Office) suggested that one of the most effective means of handling misconduct is to ask for the money back. “We’ve actually done this and the message gets round the institution and it gets through to people who are looking for grants.”