



Forum agenda
Meeting to be held on Friday 3 February 2017
BY WEBINAR

At 8am–9.30am (GMT)

AND

At 4pm–5.30pm (GMT)

1. Update on COPE activities by the Chair

2. Forum discussion topic: Disclosed conflicts of interest

3. New cases

17-01 Would the loss of a clinical licence in one country impact on the ability to do clinical work in another? (MG)

17-02 Data manipulation and institute's internal review (ES)

17-03 When to conclude correspondence from reader about errors in a published article (MW)

17-04 Authorship dispute regarding author order (CM)

17-05 Is it plagiarism to use text verbatim from a manuscript review? (WR)

17-06 Satire in scholarly publishing (KL)

17-07 Submission of an already published case report (JP)

4. Updates

15-15 Attempt to suppress legitimate scientific results

16-11 What extent of plagiarism demands a retraction vs correction?

16-16 Request by organisation to retract article and publish expression of concern

16-17 Author accused of stealing research and publishing under their name

16-18 Publication of post-doctoral work

16-19 Case histories and post publication debate

16-22 Withdrawal of accepted manuscript from predatory journal

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2. FORUM DISCUSSION TOPIC: Disclosed conflicts of interest

<http://publicationethics.org/forum-discussion-topic-comments-please-7>

Disclosure of conflicts of interest is essential to preserving the integrity of published research. Though previous COPE guidelines have addressed the editor's role in administering undisclosed conflicts of interest, less attention has been paid to the appropriate means of handling financial or nonfinancial conflicts of interest that are fully disclosed at the outset of the review process for papers or post-publication commentaries.

While disclosure should not serve as a rubber stamp, affording authors the opportunity to advance any argument regardless of personal interest or biases, it is also clear that overly aggressive treatment of work by authors with disclosed conflicts of interest also presents a disservice to the scientific record, as it neglects the notion that authors might present meaningful research or commentary despite the existence of a conflict, and it also incentivizes authors to avoid disclosure of information that might preclude fair consideration of their work.

Questions

1. What additional procedures are appropriate to evaluate work from authors with disclosed conflicts of interest?
2. How should editors handle manuscripts or commentary refuting the work of others?
3. How should information about conflicts of interests be shared with reviewers, editors, etc.?

This will be discussed at the start of the next COPE Forum on Friday 3 February. Please do leave any comments below, whether or not you are planning to join the meeting.

3. NEW CASES

17-01 Would the loss of a clinical licence in one country impact on the ability to do clinical work in another?

The associate editor of journal X identified author Y on a submission paper as someone who had lost their license to practice due to malpractice. As part of the settlement, author Y had agreed to refrain from providing services to patients. Author Y now resides on a different continent, and the study presented in the submission was apparently carried out in in this continent. There is no mention in the conflict of interest statement regarding the loss of license.

The role of author Y in the paper is not clear. The editor was planning to ask this after peer review was completed.

Question(s) for the COPE Forum

- Should loss of a licence to practice in one country be declared as part of a conflict of interest statement?
- Does loss of licence to practice in one country impact a researcher's ability to carry out clinical research in other countries?
- Should the loss of license have been declared to the ethics committee that approved the study?

17-02 Data manipulation and institute's internal review

A journal received an enquiry from a reader stating that they had found some discrepancies in the spectra published in the electronic supporting information for a published paper. They suggested that the discrepancies would be consistent with the spectra being manually 'cleaned'. If this were true, the characterisation and purity of the compounds reported in the paper would be called into question.

The editor checked the spectra in close detail and verified that the discrepancies that the reader had identified were a reasonable cause for concern. The editor also checked the author's related papers in the journal and identified a total of four papers that were affected by similar discrepancies in the spectra. When the editor contacted the lead author to discuss the concerns, they explained that 'cleaning' spectra to remove impurity peaks was not a practice that was carried out by their research group, and they did not believe that it had occurred in this instance. However, the researcher who had carried out the analysis had now left the group and the original data files were no longer available.

As a comparison with the original data files could not be made, the journal approached an independent expert to obtain a second opinion on the evidence available in the published spectra. The expert confirmed that there was clear evidence that the spectra had been altered and that this could be consistent with an attempt to overestimate the yields for the reported reactions.

Following this, the journal contacted the director of the institute to request their assistance in determining whether the spectra had in fact been altered. The director consulted with the lead author and the head of their facility. They confirmed that it was not possible to locate the original data due to a limitation of their archival system. They stated that their internal review had not found any 'intentional altering of the spectra'. They stated that on that basis, the papers should not be suspected and should be allowed to stand.

This recommendation runs contrary to the evidence that we believe can be seen in the spectra, but in the absence of the original data files it is difficult to make a conclusive judgement.

Question(s) for the COPE Forum

- What action should the editor now take to resolve this matter? The journal is considering two options:
 - (1) Accept the research institute's recommendation that without evidence to prove deliberate manipulation of the data no further action should be taken.
 - (2) Publish an expression of concern notice on each of the affected articles stating that discrepancies in the spectra were identified, the institute was asked to investigate, but that the original data were not available and they found no evidence of deliberate manipulation of the spectra.

17-03 When to conclude correspondence from reader about errors in a published article

A reader, Dr A, wrote to the editors explaining a number of concerns she had with some of the figures in a paper published in the journal. The editors sought the advice of an associate editor with more expertise in the subspecialty of the paper. The associate editor concurred with Dr A's opinion of the paper and the authors were invited to respond. After some back and forth correspondence, the authors agreed with the editors that an erratum should be published containing the revised figures.

Out of courtesy, the erratum was sent to Dr A, who replied stating that she did not feel the erratum to be adequate and voicing more concerns about the modified figures. After further lengthy back and forth discussion with the authors and Dr A, the editors decided that the erratum should first be published and that Dr A should write a formal letter for publication in the journal expressing her concerns about the paper, with the authors then being given the right of reply to this letter.

Dr A duly wrote a letter but the nature of the concerns she raised has led the editors to conclude that this approach might never resolve the matter, and that the issue should best be handled by correspondence directly between Dr A and authors. The editors have therefore decided that the matter should be formally closed in public by publishing the erratum, and that any subsequent discussion should be handled privately between Dr A and the authors. The erratum has not yet been published.

Question(s) for the COPE Forum

- Have the editors handled the situation reasonably?
- Could the editors have handled it differently?
- How might the journal prepare for dealing with similar situations in the future?

17-04 Authorship dispute regarding author order

A paper was accepted in 2012 but there was a lengthy disagreement between the four authors regarding the order of authorship. The authors were advised that the paper would not be published unless all authors could sign a written agreement on the order of authorship and copyright form.

An agreement was received in 2015 that specified the order of authorship and named one of the authors as “the final corresponding author to see the paper through the rest of the process for the paper’s publication”. At the end of the agreement it was stated, “Please address any correspondence to all authors.”

Subsequently, the corresponding author attempted to make ‘minor’ changes and another author, author B, rescinded his acceptance of the agreement. The corresponding author later agreed not to make changes at that time and author B stated the terms of the agreement could stand.

During the production process, the proofs were sent to the corresponding author. Changes were made during the proofing stage which author B has subsequently disputed. The corresponding author stated that all authors (including author B) were given multiple opportunities to provide specific changes and comments on the changes that other co-authors suggested.

The paper was published on early view later in the year. In 2016, author B requested retraction of the paper immediately, alleging that the agreement was voided by the changes made during proofing. The paper is still on early view and has not been included in a print issue.

The journal has corresponded with all four authors and advised them that they need to agree on the final version of the article or the journal will be forced to retract the paper because of irreconcilable differences among the authors. The correspondence has not produced any agreement so date and the authors have individually raised the prospect of litigation.

Question(s) for the COPE Forum

- On balance, would the Forum agree that an ethical choice in this difficult situation would be a decision to retract with an option to resubmit with a new author byline?
- What other options or advice would the Forum suggest?

17-05 Is it plagiarism to use text verbatim from a manuscript review?

A commentary was reviewed by journal A and rejected. The paper was then submitted and accepted at journal B. Journal B published the commentary. After publication, a reviewer from journal A wrote to journal B with a complaint of plagiarism. Text from his/her review was used in the commentary published in journal B

Question(s) for the COPE Forum

- How should the editor of journal B respond to this reviewer?
- Is it plagiarism to pull text from a peer review into a manuscript? How should this be cited or credited when the reviewer is blind to the author?
- The editor of journal B has often used suggestions from reviewers and not thought of it as plagiarism but rather suggestions from the reviewer to improve the manuscript. Is this correct?

17-06 Satire in scholarly publishing

An intentional satire of a randomised controlled trial was published in a journal. In addition to multiple overt clues that the article was fake in the text, the article ended with a clear and direct statement in the acknowledgments that it was satire.

Investigators conducting a systematic review on the topic inadvertently included the satire article in their review as a legitimate manuscript, including generating a table based on some of the 'data' from the satirical article. This systematic review was eventually published in another journal. The authors of the satirical article saw the published systematic review and immediately contacted the editor of the journal in which it appeared to explain the situation. The editor of the other journal blamed the authors of the satirical article for the situation and demanded that they apologise to the authors of the systematic review and retract the original satirical article. The editor's argument was that there is no room for 'nonsense' in scholarly publishing, and that such articles take publication space away from real scientific articles that could be published in their place.

The authors of the satirical article responded that there has always been a place for humour in scholarly publishing, and several established medical journals regularly publish satire. They commented that the authors of the systematic review failed to thoroughly read the satirical article and did not fulfil their scholarly responsibility in performing the review.

Question(s) for the COPE Forum

- Does the publication of satire in a scholarly journal usurp space that should be reserved for legitimate investigations?
- Is the journal that published the satirical article at fault when authors performing a systematic review do not thoroughly read and vet the articles they cite?
- Is it reasonable for the other journal editor to request the retraction of the satirical article?

17-07 Submission of an already published case report

A case report was received at the journal. A covering letter was supplied by the two authors stating “Our work has not been published elsewhere and we have been actively involved in the preparation of the paper. No conflict of interest. Not published elsewhere. Patient consent obtained for case report and images to be published”.

Originality is very highly graded in the referee’s marking sheets for case reports, so the editor entered the title of the manuscript into Google, prior to sending out to referees. An exact match for the manuscript, including identical images, was found in an internet only pay per publish journal.

The editor contacted the corresponding author to inform him that the journal was rejecting the article as it had already been published. The author asked if the article would be considered if the publication was withdrawn from the internet journal. The editor replied that it would not. The matter was discussed at the journal editorial board meeting and a decision taken to refer the issue to COPE.

Question(s) for the COPE Forum

- Has the journal handled the case correctly?
- Are there other actions the editor should take?

4. UPDATES

15-15 Attempt to suppress legitimate scientific results

Case text (Anonymised)

The journal is operated by institute A, and the editor is an employee of institute A. A manuscript was submitted late in 2014 by authors from institute B, a similar type of organisation in the same country. The manuscript was reviewed by two referees who both recommended publication following minor revision. One of the reviewers noted that the abstract contained a vague statement related to the effectiveness of a treatment for a major type of export from the country but there was no further detail in the main text. In addition, the issue of worker safety was raised in the introduction but not discussed elsewhere. There was also a lack of context for the work and a lack of relevant conclusions. The authors were asked to add more detail on each of these points.

In May 2015, the authors submitted a revised version of their manuscript, which contained more relevant information and references to support their statements. The editor and associate editor considered that the authors had dealt with the issues raised by the referees and accepted the paper. The paper was published on 4 July 2015.

A senior manager at institute B rang the editor a few days after publication. The manager stated that the original manuscript had been approved for submission by institute B but the revised manuscript had not, and asked the editor to remove the paper from the journal's website immediately. The editor said that this was not possible and further explained that if institute B wanted the paper retracted then they would need to provide a written justification.

Within an hour, the editor received three emails from the manager at institute B. The first one said that the paper "contains errors and speculation which were not able to be addressed at the time of finalising the text, as the paper was not re-submitted to the institute B editorial process following review by the journal" and that institute B believed "the paper is not in the interests of furthering an accurate and complete scientific record of the research in this field and therefore respectfully ask that it is retracted".

The second email said that the manager at institute B had "since been in contact with the industry group who funded the project and they believe the inaccuracies are 'significant'. As such, I'd like to emphasize the urgency in our request. I understand that in general journal referees remain anonymous unless they choose to identify themselves. In this instance, I've been asked if we are able to learn the identity of the referees. Would you please comment on this so that I may respond appropriately?"

The third email said "Since I was in touch with you earlier today, the funding agency has had feedback from the relevant government department who have offered their support with responding to ensure the paper is corrected. I think this indicates the concern that these parties have in ensuring the information is accurate. The errors of fact and subsequent speculation to consequences related to worker safety and fumigation efficacy are problematic."

The editor gave this matter urgent attention by reviewing the paper and checking the journal's ethical guidelines (which are those of COPE). They concluded that a retraction was not warranted because the majority of this paper had not changed post revision so the potentially misleading revisions amounted to just a small portion of an otherwise reliable publication. The editor also concluded that, in accordance with COPE guidelines, the authors should submit an erratum detailing the specific passages of text that were incorrect and provide factually correct rewording. The editor sent these conclusions in an email to the manager at institute B the same day and waited for an erratum to be submitted promptly given the apparent seriousness of the situation. The editor did not reveal the names of the referees as the journal operates a closed review process. The editor also alerted the journal's overseas publisher to this issue in order to fast track the erratum.

Ten days later, no erratum had been submitted to the journal but the editor was copied into an email from the funding agency to the manager at institute B. The agency thanked the manager for drafting an erratum but advised them that the funding agency and government department considered the risk associated with publishing an erratum to be too great so one should not be published. The funding agency also asked that both institutes A and B "manage their processes to ensure that any similar event does not occur in future".

The manager at institute B forwarded that same email to the editor with a note saying that an erratum would not be submitted. The editor replied expressing surprise that an erratum had been drafted (but not submitted) and that it was not up to the funding agency/government department to decide whether or not an erratum should be published. The editor explained that the authors had an ethical obligation to correct the scientific record if errors existed. However, if there were no factual errors but simply statements that some people happened to disagree with, then no erratum was necessary. The Editor asked the manager at institute B to confirm which of these situations was the correct one and the manager replied stating that there were "no errors in the paper".

Since then, the editor has been advised by colleagues that the funding agency has been alleging that publication of this paper could harm a key export industry for the country and cause substantial economic losses, and that institute A was at fault by allowing its journal to publish such sensitive work. These allegations are being strongly refuted by institute A. At no point have the authors of the paper communicated with the Editor.

The Editor has submitted this case to highlight concerns that:

- key stakeholders in a published work (but not the actual authors) have attempted to suppress legitimate scientific results because of possible economic and political damage to an export industry;
- this is a serious breach of scientific ethics;
- unfounded allegations have been levelled at the journal's owner for allowing the paper to be published.

Question(s) for the COPE Forum

- What further steps or alternative actions does COPE recommend be taken?

Advice:

This is essentially a conflict of interest issue, not with the authors, but with the employers/funders, emphasising the ubiquitous nature of conflicts of interest. The editor

proposed that having clear guidelines and examples for similar situations from COPE would be helpful to resist pressure from funders or employers.

The Forum congratulated the editor for standing her ground, and agreed that the editor had done the right thing here in not bowing to pressure from the funders. As a way of avoiding a similar situation in the future, a suggestion was to ask authors to submit a statement on “the role of the funding source” as a way of outlining the role of the funder and clarifying issues such as: did the authors have control of the data at all times, and did the funder have a role in the analysis or submission of the paper? This would also help define the roles of the authors and funders. The authors are the researchers and should be in control of the data. There should not be any pressure from the funding source to try to manipulate the analysis or interpretation of the results or to influence the decision on where to submit the paper for publication. Both parties need to understand their roles.

Some journals ask each author to complete a separate conflict of interest form, and this may be something the editor might consider for the future.

A suggestion from the Forum was to write an editorial, highlighting the issue. This is an important issue and also raises the fact that government or other funders can be as conflicted as private companies, and this is especially true in small countries and for journals that are national journals.

Follow-up

The editor considers the case closed.

16-11 What extent of plagiarism demands a retraction vs correction?

Case text (Anonymised)

A short research article described a new method and tested the method, showing proof-of-concept that the method worked; the idea for the method is presented as the authors’ own.

On publication, the paper receives an overwhelmingly positive response from the community. Shortly after publication, the editorial team is contacted by a PhD student and their supervisor who had published the idea for the method on a blog 2 years earlier. Side by side comparison shows a significant overlap (approximately 25–30% of the article) between the blog and the article, in particular in the rationale for, and description of, the method. The text is rephrased in many places, but there are large sections that are structurally very similar between the article and the blog with some terminology and phrases being identical. Furthermore, the method is unique in its concept and no similar proposals seem to exist in the published scientific literature (on PubMed), so it seems obvious that the blog was the main source for the overlapping sections.

When challenged by the editorial team the authors acknowledged the existence of the idea and that they should have given credit to the blog but argued that their paper is about the empirical testing of the method. It seemed obvious that credit must be given in the article to the student for proposing the method and that there is no difference between a scientific article and a blog in this respect.

In the first instance, a correction was published with rewritten text and clear reference to the blog throughout the article, making clear the origin of the idea for the approach. The team's interpretation of the COPE Retraction Guidelines was that this is a partial duplication (thereby treating the grey literature as part of the 'scientific literature' – see question 4 below) and, given that the article adds testing of the method and hence the proof-of-concept, that readers are best served with a correction. It seemed that a retraction, as demanded by the PhD student and his/her supervisor, would more serve to punish the authors (which the editorial team understood is not the purpose of a retraction) than to correct and benefit the literature.

It is worth noting that although three referees approved the article (in open peer review), the student and supervisor and some others who commented publicly have also questioned the scientific validity of the way in which the proof-of-concept was demonstrated in the article.

Question(s) for the COPE Forum

- Where does the journal's responsibility to protect the student's rights lie and does it need to go further than the correction and retract?
- Is this a clear case of plagiarism that demands a retraction?
- How much does the structure and text need to be the same to count as plagiarism? Is this a case that needs to be investigated by the authors' institution?
- Given that retractions and corrections are primarily meant to correct the scientific literature, is there any difference between a blog and a scientific paper when it comes to 'partial duplication'?

Advice:

Both a correction and a retraction would protect the student's rights and correct the record. The question then arises—what is the purpose of a correction or retraction? If it is primarily to correct and benefit the literature, then a correction does that. However, the Forum acknowledged that this will probably not satisfy the student and their supervisor.

The Forum discussed blogs as a source of the scientific literature. Blogs are often not cited because they are not seen as permanent. But is there a difference between a blog “grey literature” and an article “published literature”? The Forum agreed that the blog should be considered as published content and although websites change and the blog does not have a DOI, it should still have been cited in the original article.

A suggestion was that for the original blog post, the student could ensure that the blog has a DOI or it could be written up for a journal, particularly if there is more work done by the student.

On a poll of the Forum audience, the majority agreed that a correction seems to be the appropriate (non-punitive) action (compared with a handful who favoured retraction); a correction also serves the student's rights by indicating clearly where the ideas originated, and maintaining in the literature the work that validates those ideas. The Forum believed that the editors were correct in the course of action they took, and the requirement that the blog concept be clearly recognized.

The Forum discussed if this was plagiarism. There was certainly plagiarism of ideas and the Forum noted that there should be awareness of “ownership of ideas”. Transparency is key in these scenarios and ideas need to be properly credited. Some argued that the article adds

something new (validation) and major correction (to address the unattributed copying via proper reference and attribution) undoes the “harm” done by the absence of attribution.

However, some of the members of the Forum were concerned about the apparent deception—the authors did present the method as their own. They recommended that the journal contact the author’s institution. However, it is a judgment call for the editor as to whether the institution is contacted. The institution might appreciate knowing so they can build guidance on citing grey literature into their teaching/training.

Follow up:

The editorial team took the feedback from the COPE Forum on board and notified the corresponding author’s institution of the allegations; the case is still being considered by the research integrity team at the institution. In addition, an editorial note has been added to the article to alert readers that concerns had been raised about the overlap between the original article and the student’s blog (and that the case has been referred to the author’s institution).

Follow up (January 2017):

The journal did not receive any further information from the author's institute on whether or not they will pursue this further. The editor considers the case closed.

16-16 Request by organisation to retract article and publish expression of concern

Case text (Anonymised)

A group of unspecified members of an organisation have written an expression of concern (letter via email) to the editors wherein they request that an article previously published in the journal be retracted since they believe it is biased and inaccurate about regulation details within the organisation. They are further requesting that their letter be published in the journal.

The editors of the journal are unsure how best to proceed with this request. They believe the article should not be retracted (no unethical misconduct was committed by the author as far as they are aware, and the article did go through peer review with two reviewers having minor corrections and recommending the editors publish the article, which they accepted), as the reasons stated in the letter for requesting the retraction are not grounds for doing so. The reasons given are:

- 1) The absence of important information on the organisation's accreditation and professional regulations
- 2) The calling into question of the organisation's ethical standards and practices
- 3) The general misinformation about the organisation's business model
- 4) The overall poor research methodology and writing standards

Note: not all members of the organisation were aware that the letter was sent (one of the editors is a member of this organisation), and the author of the article and certain members of this organisation have a history of disagreeing on previous articles that the author has published in other journals on the same topic (furthermore, the author once had a submission accepted at this organisation’s conference and after a disagreement they uninvited him).

The editors have shared the expression of concern letter with the author and the publisher. The author has responded to all the points in their letter with counter arguments. The editors have also crafted a response letter to this organisation (standing by their decision). The publisher does not believe the article should be retracted, but instead that the editors should respond to the complaint with an explanation about when retractions are appropriate and also the nature of how the paper was accepted/published.

However, the editors are considering whether they should publish the letter with the responses (if it would benefit the community, which is a very close knit group). The author has also requested that his response be published in the journal.

Question(s) for the COPE Forum

- Is it wise/is there justification to publish the letter? (it could be beneficial if it is conducted in a scholarly manner but also could be unproductive if major disagreements sit on both sides historically.)
- If COPE recommends publishing on this topic, how does it suggest the editors do so (what format/are there procedures that should be followed)?
- If COPE suggests responding to the organisation via email is best, are there any other steps the editors should take to resolve this disagreement?
- Has a situation like this one occurred before/been handled successfully?

Advice:

The Forum agreed that there does not seem to be a case for retraction, but the editor may wish to consult the COPE Guidelines for retracting articles (http://publicationethics.org/files/retraction%20guidelines_0.pdf). The advice was to have the conversation played out in the journal and allow the exchange to be published. It would be reasonable, if time consuming, to do the following: have the letter peer-reviewed by a qualified reviewer who can evaluate the accuracy of the claims in the article; have a peer-review of the response of the author; and if both get through the review process (with revisions if necessary) then publish them both.

This is an editorial judgement call. COPE would not have a “publication ethics” position here, besides that contained within its regular guidance for publishing (ie, to manage transparency, permissions, conflicts of interest, etc). Publishing letters or debate papers would make the process transparent. If the journal decides to publish the letters, the Forum recommended ensuring that the letter from the organisation is signed by an individual or individuals. The journal should not publish an anonymous letter.

The Forum noted that in cases such as these, it is very important to choose reviewers carefully. Selection of objective reviewers is especially important when organisations are involved.

Follow-up

The journal considers the case closed.

16-17 Author accused of stealing research and publishing under their name

Case text (Anonymised)

We received a letter from a third party, accusing author A of putting his/her name against an article, published our journal, when the research itself belongs to author A's student.

Our journal is a fully English language publication and the accusing third party and author A are from a non-English speaking country, as is the student (assumedly). The accusing third party forwarded the student's research paper to the editor which is entirely written in another language but contained an English abstract.

The Editor contacted author A and the response received included an attached confirmation letter supposedly from his/her student stating that they had no involvement in the published work by author A and that their research is completely separate to the published paper by author A.

We have several concerns:

1. It is difficult for the editor to examine the abstract the third party sent to us against the published article by author A.
2. We do not know if the response letter emailed from author A, confirming no involvement in author A's paper, is genuinely from the student.
3. The accuser's identity or relation to the matter is unknown to us. Ideally the editor needs to contact the student directly but we need bona fide contact details of the student and we are not sure we would get it from the accuser or the accused author A. Google is also of little help as there are so many people with the name.

Question(s) for the COPE Forum

- How should we go about contacting the student?
- What should be our next steps?

Advice:

COPE's advice in these types of cases would be to contact the student directly. Contacting the institution in confidence through the Office of Graduate Studies would be the most normal route but some universities in some countries might not respect the confidentiality of the student. The Forum acknowledged how frustrating it must be for the journal, and that there is probably little else that can be done.

The journal could ask the third party for the contact details of the student. The only other suggestion was to see if there is a licensing board in the country that could be contacted. Any licensed professional is usually governed by a licensing board.

Follow-up:

The editor contacted the accuser asking for the student's details but no response has yet been received.

Follow-up (January 2017):

The journal considers the case closed.

16-18 Publication of post-doctoral work

Case text (Anonymised)

In 2012, Dr X started her post-doctoral training under a fellowship. She worked on the project until 2014, when the fellowship ended. She did all the work herself, and gave two seminars showing her results and progress, with positive feedback. When needed, she consulted with the supervisor or with a senior scientist in the laboratory (who has since resigned). By the time she finished, she had written a manuscript solely on her work, and it had gone through several editing rounds of revisions with the senior scientist. There were five co-authors on the paper: Dr X, the supervisor, two senior scientists and a graduate student.

In 2015, the manuscript was sent to the supervisor, who said "I find the text very thoughtful and balanced, with good interpretations", and had a few remarks. Again, they went through two editing rounds. The supervisor received the final version in October 2015, with the understanding that he would submit it; Dr X never received any reply.

Dr X repeatedly emailed her supervisor every 2 months or so, but at some point, the supervisor stopped responding to emails, or replied very briefly, only saying that the senior scientist had resigned. Dr X has been hired in a permanent research position. To be tenured, Dr X needs to publish and show that her post-doctoral work was accepted for publication.

Question(s) for the COPE Forum

- Can Dr X go ahead and publish this manuscript with the authors as originally written? If not, is there any recourse for her?
- Can I, as an editor-in-chief, and knowing the background, receive, review and publish this manuscript?

Advice:

The Forum questioned why is it up to the supervisor to submit the paper and not Dr X? Dr X should be entitled to go ahead and submit the work.

The Forum also questioned if the supervisor qualifies as an author? Should he be listed as a contributor instead?

The institution needs to take a role in resolving this issue. If permission from the university is needed, Dr X could consider going above the supervisor, to his supervisor—diplomatically escalating the issue, but in a non-aggressive way.

The Forum concluded that Dr X should submit the paper for publication. When Dr X submits the paper to a journal for publication, she should be transparent about the provenance of the paper, explaining the history. The supervisor's contribution and conflicts of interest should be documented on the paper. If published, the editor could consider having a statement concerning these on the paper.

Follow-up (January 2017):

The researcher tried to determine the correct person to contact above the supervisor and met with frustration. Although unresolved, the editor considers the case closed.

16-19 Case histories and post publication debate

Case text (Anonymised)

A letter to the editor from reader A was received by our journal concerning a published case history from author B. Reader A questioned the choice of treatment and author B's conclusion regarding the reason why the patient died. We believe this case raises at least two interesting questions.

Firstly, the patient, or in this case the patient's relatives, could possibly suffer an additional burden by having their understanding of the course of events challenged. Speculations about treatment and course of events from health personnel or others, who do not know the patient beyond the published history, may expose the patient/relatives to groundless concerns. Our journal requires consent for publication from the patient/relative(s) when publishing case histories, but the consent applies to the published article as such. Hence it does not include further discussion or comments from others in the journal or elsewhere after publication. One could argue that this is implicit when giving consent, but one cannot expect patients to know or reflect upon such matters. In other words, is the consent truly informed?

Secondly, the authors have access to a lot more medical information about the patient than they have chosen to publish. The consent only applies to the published material. In further discussions, they cannot answer properly without breaching confidentiality or collect further consent. Hereby the risk of a delayed debate, a debate that gets too general and in which the opponents (who are only able to speculate about the further details) get the last word.

The case was resolved by carefully moderating the letter to the editor in cooperation with reader A.

Planned further steps by the journal for future cases:

- Such debates must be modified with the patient's interest in mind.
- Include a sentence in the consent form informing the patient about the possibilities of post publication debate.
- Possibly include a disclaimer on such debates, informing about the limits of such debate?
- Possibly include a reminder about the patient's perspective in the author guidelines for debate?

Question(s) for the COPE Forum

- Is it justifiable, ethically, to let readers speculate on the patient's diagnosis, the choice of treatment, etc?
- Have any of the Forum members had similar discussions in their respective journals?
- Are the steps taken/planned reasonable?
- Does the Forum have additional advice on how we can avoid such problems in the future?

Advice:

The Forum suggested that the steps outlined by the journal as a way of proceeding are good and reasonable. If the post-publication comments are informed, then it may be fine to publish them but this must be done carefully. Peer review can be helpful here.

Letters to the editor commenting on case reports could include disclaimers, and it is important to remind people to think about the patient and their family.

While an ethical framework is needed, the journal also has a responsibility to encourage debate, but in a sensitive and cautious way. For example, this can be an opportunity to allow input from people with whom the patient might not ever have access. The framework within which this happens is important.

The most intriguing case reports often have an aura of ‘mystery’, treading a fine line between the ‘obvious’ versus the ‘suspense’ of whether the patient did get the right treatment but this should not compromise accurate reporting or condoning poor practice. Authors need to be upfront about the details of the case, including the diagnosis. Authors should not disclose additional information after publication. Post-publication speculation must be handled carefully as it can be distressing for the patient and the patient’s family.

COPE has a discussion document on [Best Practice for Consent for Publishing Medical Case Reports](#).

What patients can expect when they give consent will be included in the document when finalised. Patients should be warned that there may be academic discussion after the case is published.

Follow-up

The editor considers the specific case closed, and the journal is working on implementing the planned steps outlined in the case.

16-22 Withdrawal of accepted manuscript from predatory journal

Case text (Anonymised)

Our journal has been contacted by an author who would like to submit a review article. The author responded to a request for an invited review from a predatory journal without realizing it was a predatory journal. The author submitted the article only to receive an unexpected invoice and clear evidence of no peer review. The author investigated the journal and then realized the predatory nature of this journal.

To remove the submitted manuscript from this journal, the author communicated via email, phone and certified letter, and also contacted members of the editorial board, but has received no return communication. Periodically, the manuscript has disappeared from the journal’s website, only to reappear in a later issue. The author never signed a copyright agreement and never paid the journal to publish the article. The author would like to have the manuscript published in a legitimate journal but does not wish to be guilty of duplicate publication.

As the former editor-in-chief of the journal, the only advice I could offer was to contact the present editor-in-chief of the legitimate journal to which the author wishes to submit the manuscript, explain the situation and see what advice is given. If accepted and published, a statement could be included that this is the only valid version of the paper.

Question(s) for the COPE Forum

- What advice can be given to the author about submitting the manuscript to a legitimate journal without the author being guilty of duplicate publication?

Advice:

The Forum agreed with the advice of the former editor-in-chief. As there was no copyright transfer, the paper could be published in the legitimate journal, ideally with an editorial note on the paper explaining what has happened. Otherwise, the author may have to write off this paper to experience and lessons learned.

The Forum noted that this case highlights the importance of the Think.Check.Submit. initiative, which provides tools to help researchers identify trusted journals for their research.

Another suggestion was to threaten legal action—the predatory journal may back down if legal action is threatened.

Follow-up

The editor conveyed the Forum’s advice to the author. She sent another letter via certified mail to the predatory journal, but it was returned unopened (as no one was present at the address to accept the letter). She did not threaten legal action because her university’s legal counsel would not endorse that approach and she was unable to obtain a response from anyone at the journal via phone, email or certified letter in order to communicate that threat effectively. However, she then sent a message to the publisher of the predatory journal: “Immediately remove my article from your website. If you do not do so immediately, I will take legal action. I will also lodge a complaint with the Federal Trade Commission, which is already taking you to court”. The publisher responded by asking her for the article title and associated journal. The author provided this information and indicated she would proceed with legal action if the article was not removed from the journal’s website by a given date. She will now proceed with submission to a legitimate journal, and the editor of the legitimate journal is comfortable that duplicate publication is no longer a problem.