



## **Forum agenda**

**Meeting to be held on Wednesday 10 June 2015, 10–11.30am (British Summer Time)  
BY WEBINAR**

**1. Update on COPE activities by the Chair**

**2. Forum discussion topic: Prior publication and theses**

**<http://publicationethics.org/forum-discussion-topic-comments-please-3>**

**3. New cases**

**15-06 Authorship dispute (DC)**

**15-07 Ethics committee approval (CU)**

**15-08 Author disagreement regarding article corrections (BM)**

**15-09 Revoked parental consent (KL)**

**4. Updates**

**14-11 Possible omission of information essential for conclusions in a research  
paper**

**15-01 Institution alleges that paper includes fabricated data**

**15-02 Author disagreement blocks submission**

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## 2. Forum discussion topic: Prior publication and theses

(<http://publicationethics.org/forum-discussion-topic-comments-please-3>)

Research higher degree theses have traditionally been seen as part of the scholarly communications chain, and have been made available by university libraries in print and, latterly, online via institutional repositories.

The issue we seek to address is whether or not work already publicly available in a thesis (whether in print or online, although the concern is primarily around online) is seen as “prior publication” by journals and rejected for that reason. The perception drives behaviour so that, where students/supervisors have a choice, they will decline open access or seek a lengthy embargo because they fear publishers will refuse to publish work that has arisen from the thesis.

A 2013 survey<sup>1</sup> of STEM publishers showed that while just over 50% of respondents did not view electronic theses as prior publication, the remainder either treated submissions on a case by case basis or would not consider publication. This survey was necessitated, in part, because publisher websites<sup>2,3</sup> are often unhelpful in providing usable advice on this issue. Major commercial publishers are often ambiguous/silent on the question in author rights and editorial pages.

### Question

- What is the best and most responsible general advice to provide to students and faculty on this question?

### References

1. Ramirez ML, et al (2014). Do open access electronic theses and dissertations diminish publishing opportunities in the sciences? *College and Research Libraries*. 75[6] 808–821. <http://doi.org/10.5860/crl.75.6.808>
2. Nature Publishing Group. Nature journals' policy on duplicate publication (<http://www.nature.com/authors/policies/duplicate.html>). "The Nature journals are happy to consider submissions containing material that has previously formed part of a PhD or other academic thesis which has been published according to the requirements of the institution awarding the qualification."
3. American Chemical Society “Publishing policies” <http://pubs.acs.org/page/policy/prior/index.html> (varies by journal on attitude to theses as prior publication).

### 3. NEW CASES

#### **15-06 Authorship dispute (DC)**

In April 2014, our journal received a case report from author A with co-authors B, C, D and E. After undergoing a first round of revisions pertaining only to the paper's format, author A excluded co-authors C, D, and E from the revised version and retained co-author B, without notifying the journal of this change. After this change, the manuscript underwent the complete evaluation process, comprising peer review and revisions by the authors. It was accepted for publication in July 2014.

During the evaluation process, author A included two new co-authors (authors F and G). The paper was published in November 2014 with author A and co-authors B, F and G. From the time of manuscript submission until publication, the excluded co-authors C, D and E did not contact the journal or send any requests or comments regarding their authorship.

In May 2015, 7 months after the case report was published, our journal received an email from a legal advocate acting on behalf of the excluded co-authors C, D and E, complaining about the attested authorship of the case report. Co-authors C, D and E claim that author A is not, in fact, the first author and assert that the correct authorship and co-authorship should include the excluded authors C, D and E as the principal authors.

We sent the complaint made by the excluded co-authors C, D, and E to author A (the corresponding author of the published version) allowing him the chance to answer all of the allegations made by the excluded co-authors. In his reply, he assured us that he was the principal author of the case report, as originally submitted, and that it has no element of plagiarism. He further assured our journal that he and the co-authors listed in the published version had written the manuscript and made all the corrections proposed by the reviewers. He stated, "We have never indulged or indulge in such silly misdoings and in order to keep the personal relationship amicable, we would like to withdraw the case report despite it being the product of hours of hard work on our part".

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

- Although this case does not represent a clear reason for retraction (eg, redundant publication, plagiarism or clear evidence that the findings are unreliable), should we issue an expression of concern?
- Is it possible for our journal to retract the case report in order to avoid serious legal problems in the near future?

### **15-07 Ethics committee approval (CU)**

We routinely ask for ethics committee approval from every research manuscript submitted to our journal. Sometimes, studies from different countries may not have ethics committee approval and authors may claim that their study does not need approval. In such situations, we consult COPE's "Guidance for Editors: Research, Audit and Service Evaluations" document and evaluate the study at the editorial board and decide whether or not it needs approval.

However, as an editor, what should I do in the following situation? Any research, be it a retrospective analysis of routine patient data, an in vitro study or a study on bacteria requires institutional ethics committee approval in country A. In country B, ethics committee approval is not required for such studies (this information is provided by the authors). The journal receives two such studies, one from country A and one from country B. Neither has ethics committee approval. The authors of both manuscripts claim that their studies do not need approval.

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

- What should best editorial practice be in this situation?
  - Accept both papers for review.
  - Accept the paper from country B for review but reject the paper from country A (or ask the authors of the paper from country A to apply for institutional ethical approval).
  - Reject both papers (or ask the authors of both papers to apply for institutional ethical approval).

### **15-08 Author disagreement regarding article corrections (BM)**

We received an original article which was accepted and published. The article was written by multiple authors from several centres, and the corresponding author undertook the task of standardising the content, making several corrections to the original text. The author proofs were sent to the corresponding author, who reviewed them.

However, once published, one of the co-authors indicated his disagreement with the changes that had been made by the corresponding author on his part of the article. This author has asked us to publish an erratum to include, under “Conflicts of interest”, his disagreement with the final version, because he wants to respect the original text (the author already expressed their disagreement before the article was published, but we did not know this until now).

The corresponding author disagrees with the addition to the conflict of interest statement because there is no conflict of interest, only a difference of opinion. Moreover, he argues that, as scientists, we must be aware that all of our work has limitations, and recognize that these limitations are part of what drives scientific progress.

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

- What is the procedure we should follow in this case?

### **15-09 Revoked parental consent (KL)**

Our journal publishes case reports describing the evaluation, diagnosis and treatment of unusual cases. Parents must provide written informed consent prior to manuscript submission. No cases are presented with unique identifiers and each is anonymised as much as possible.

A manuscript was submitted with written consent that was accepted for publication and assigned to an issue. Just before the issue was to be folioed, the parents contacted the authors and revoked consent. The journal was able to pull the article prior to publication. The editorial board is concerned about this happening again and what the course of action would be if consent is withdrawn from a case that has already been published.

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

- Once written consent is provided, can it be revoked?
- If the article was already published, what would be the reasonable course of action? Retraction?

## 4. UPDATES

### 14-11 Possible omission of information essential for conclusions in a research paper

#### Case text (anonymised)

In 2013, our journal published a paper describing an observational study comparing two drugs (A and B) for the management of a chronic disease over a period of 10 years. The conclusion in the paper was that mortality was higher in group A (97 deaths) compared with the other group B (52 deaths) (hazard ratio 1.76, 1.22 to 2.53;  $P=0.003$ ). This analysis was done after adjustment for a large number of confounders, and was approved by our statistical advisor. The authors of the papers did acknowledge that this was an observational study, and did state that residual confounding might be present.

In 2014 we received a letter of concern by a researcher, employed by the company selling drug A, who felt that the authors of the 2013 paper omitted essential information that might impact on the conclusions. It appears that the routine management of this disease has changed substantially over the 10 year period, and this should have been treated as a confounder for which statistical adjustments should have been made. This change in routine management of the disease is documented in a paper published in 2014, but the researcher felt that these authors were probably aware of this much earlier and should have disclosed this information during the review process of their 2013 paper.

In our initial response in July 2014 to the letter of concern, we asked the researcher who sent us the letter of concern to send us a detailed rapid response to the 2013 paper, which we could publish. We have also asked advice of our statistical advisor who reviewed the 2013 paper, and he acknowledged that this information might impact on the statistical calculations and thus the conclusions of the paper. But with the data available to him, he is not able to make a definitive assessment of how much impact it would have. He has suggested to put these questions to the authors of the 2013 paper.

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

- The researcher who raised the concern has not made his concerns public by sending us a rapid response that we could put to the authors and publish, with their response, on our website. We will certainly put the questions to the authors of the 2013 paper, but we wonder if we should publish these concerns?
- Another problem is that, due to the complexity of the statistical calculations, we are entirely dependent on the authors to judge whether the routine management data would have seriously impacted the conclusions of the 2013 paper.

#### **Advice:**

The Forum agreed with the course of action of the editor to date—namely, inviting the researcher to write a formal note, stating his concerns, that can be made public and the authors can then be invited to make a response. This ensures the process is transparent. But if the researcher who raised the concern does not want to make his concerns public, there may be little that the editor can do.

One suggestion was that the editor could publish the concerns anonymously and invite the authors to respond. Another suggestion was to treat this as you would a whistleblower by



investigating the issue, and asking the authors to respond specifically to the questions raised by the researcher if necessary. It is clear that the editor has concerns about the paper and these should be addressed in some way.

So, the best option may be for the journal to publish the concerns, not necessarily revealing the researcher's identity, and invite the authors to respond.

**Follow up:**

The researchers who sent a letter of concern sent a letter to the editor which was published, and which was answered by the authors of the original paper.

The journal's statistical advisor has found the response satisfactory. The editor considers the case now closed.

## **15-01 Institution alleges that paper includes fabricated data**

**Case text (anonymised)**

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?

**Advice:**

The Forum asked the editor if the paper had been handled through the Office of Research Integrity (ORI) in the USA, as they post their findings on cases on their website. However, the laws related to the ORI are very strict and do not allow sharing of information, even with institutions, and so the only way of finding out any information is to look at what has been published in the federal registry. The editor told the Forum that there was no information on the ORI website.

One view was that, given the history of all of these papers, and the concerns about the data on this particular paper, the editor should err on the side of caution and retract the paper.

However, a more cautious approach was also suggested. COPE would advise that a retraction statement should be as informative as possible; a journal needs to give its readers a reason for the retraction. Hence, in the absence of further information, the editor may consider not retracting at the moment, but instead updating the Expression of Concern. The editor may want to explain that other papers have been retracted as a result of the same investigation but no further information is available on the current paper.

Another suggestion was to go back to the institution and insist that they provide further information on the validity of the data.

**Follow up:**

Following the discussion at the Forum, the editor decided that there was insufficient information available to support a retraction. Therefore, the current Expression of Concern remains on the record pending further communication from the institution concerned.

## **15-02 Author disagreement blocks submission**

**Case text (anonymised)**

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?

**Advice:**

The Forum advised contacting the institution directly, rather than relying on author B to liaise between the journal and the institution. COPE advice would normally be that author disputes should be resolved by the institution. In addition, the Forum advised that the editor should consider contacting author A directly, and asking for his explanation of the events. The Forum advised against publishing the paper in the absence of author A's agreement, unless the authorship issue is resolved by the institution. There may also be legal issues to consider if the editor were to go ahead and publish, as author A may have issues related to their intellectual property.

Papers are sometimes held hostage by authors and COPE's advice would always be to ask the institution to resolve the issue. However, sometimes the editor has to make a judgement call. One way forward, if the editor really wants to publish the paper, is to have a clear statement on the published paper, explaining the circumstances around the paper, acknowledging there was a problem and explaining the issues.

**Follow up:**

Following the advice from the Forum, the editor contacted the disputing author and convinced her to participate in the publication. She promptly provided her feedback on the manuscript, which was submitted. It is now in revision for the journal.