



Forum agenda

**Meeting to be held on Wednesday 9 September 2015, 3–4.30pm (British Summer Time)
in The Crescent Room, The Montcalm London Marble Arch, 2, Wallenberg Place,
London, W1H7TN**

1. Update on COPE activities by the Chair

2. Forum discussion topic: Who “owns” peer reviews?

<http://publicationethics.org/forum-discussion-topic-comments-please-4>

3. New cases

15-10 Handling self-admissions of fraud (SM)

15-11 Inability to contact an author to obtain permission to publish (LB)

**15-12 Author impersonating corresponding author without knowledge of
co-authors (ES)**

15-13 Suspected image manipulation involving four journals (BY)

15-14 Duplicate publication and removal of article (MK)

4. Updates

15-07 Ethics committee approval

15-08 Author disagreement regarding article corrections

15-09 Revoked parental consent

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2. Forum discussion topic: Who “owns” peer reviews?

(<http://publicationethics.org/forum-discussion-topic-comments-please-4>)

Two trends have recently come together within scholarly publication; open review, and the desire to give credit to reviewers (see also [1]). At the convergence are organizations like Publons and Academic Karma who wish to openly acknowledge the work of peer-reviewers by recording, not only the amount, but also, in some circumstances, the content of individuals’ peer-review activity.

Academics may view services like this as a way to regain control over their reviews and so may be keen to sign-up and provide their data. Journals, on the other hand, often conduct confidential review processes and wish to restrict the sharing of comments exchanged during peer-review.

Emergence of these services therefore prompts a number of concerns and questions as to how best ensure author, editor, reviewer and journal interests are protected.

Questions

- Does it violate confidential/blind peer-review to reveal reviewer comments even after publication?
- What can journals do to make sure reviewer comments remain confidential?
- How can reviewers ensure they are able to share and get credit for their work?
- Can service providers work with journal editors, publishers and reviewers to help facilitate openness and transparency in peer review?

Reference

1. <http://scholarlykitchen.sspnet.org/2015/06/17/the-problems-with-credit-for-peer-review/>

3. NEW CASES

15-10 Handling self-admissions of fraud (SM)

In November 2014, the first author of a decade old paper in our journal and a 15-year-old paper from another journal informed us that he faked the data in two figure panels in the paper in our journal and one figure panel in the paper in the other journal. The main gist of the manipulation was loading unequal amounts or delayed loading of gel lanes.

Self-admission of data falsification is a serious charge that is difficult to disprove, and we felt a challenge to identify evidence to counter or support this type of allegation. As general guidelines, we felt there were three types of evidence that could help resolve the stand off:

- (1) compelling original raw data with evidence for or against unequal or delayed gel loading;
- (2) verified replication already existing within the published literature; and
- (3) as a last resort, a replication study performed by a wholly independent laboratory.

In December 2014, we asked the first author to contact the corresponding author of both papers and the institute, but he refused. We informed the first author that we would inform the corresponding author of the papers and this might result in violating his confidentiality. In January 2015, we informed the corresponding author that we had received self-admission of fraud from the first author and asked the corresponding author to retrieve original raw data for the figures in question and provide them to us. We also urged the corresponding author to engage the institute ethics committee and get in touch with the first author in gaining a deeper understanding of the challenges.

In February 2015, we spoke with the corresponding author by telephone. The corresponding author did not believe that the first author had faked the data. We discussed potential ways to counter a compelling self-admission and agreed that the corresponding author would provide us with the raw data by the end of March 2015 and would inform his institute.

In March 2015, we were contacted by his institute. On request, we provided the contact information of the first author to the institute's investigation committee after obtaining permission from the first author. The corresponding author told us that he has located all of the raw data. In contrast with what we agreed by telephone, he told us that he would not be sending us the raw data directly but would pass them to the committee. The first author provided both us and the committee with data that he said was contemporaneously produced and showed a different result from what was published, that he said was without manipulation with gel loading and showed no experimental effect.

In April 2015, we asked the committee to share their investigation results with us and also asked the corresponding author to provide the copy of the raw data to us. But the corresponding author and committee refused to share any useful information with us. The committee told us by email that they have an obligation to protect the corresponding author's reputation.

In May 2015, we spoke with the research integrity officials of the institute by telephone and they agreed to share more information with us. In early June 2015, we received a summary but not the full version of the committee report, which cites that no further action is

warranted because the evidence they gathered can neither support nor refute the first author's self-admission. We were not provided with any of the original data. The summary report included information such as promotion schedules of both the first and corresponding authors, but these seemed irrelevant to us. We felt it essential that we have access to the full scientific information on which the committee based its recommendation.

In late June 2015, the institute shared with us the full report of their investigation. We were able to understand from this that their conclusion that no further action is warranted was based on the fact that there was no recorded falsification in the laboratory notebook. We feel this reason is not sufficient to counter self-admission of fraud as someone who intentionally fakes data would not likely record it in their laboratory notebook. We therefore were unsatisfied with recommendation to take no further action.

In July 2015, we interviewed the first author via Skype and asked him to describe again how he generated the data and how he intentionally manipulated the data to fake the results. What he described over Skype was consistent with what he has described to us in previous correspondences.

In July 2015, we also spoke with an institute senior official and explained again that only contemporaneous data collected by the first author, contemporaneous data collected by other members of the laboratory, or direct replication of the data by an independent laboratory reported in the published literature would be necessary to counter the first author's self-admission of fraud. Since none of these avenues turned up evidence to counter the self-admission, we suggested that the experiments in question could be independently repeated by a third party or the paper will need to be retracted.

In August 2015, the corresponding author agreed to proceed to have the data in question independently repeated by a third party. We are now instructing the corresponding author to reach out to a laboratory to start repeating the experiments. While he agreed in principle, the corresponding author is dragging his feet and we are uncomfortable sitting on a serious allegation and eager to move forward with a resolution in a timely and responsible manner.

Question(s) for the COPE Forum

- What are COPE's recommended procedures for handling self-admissions of fraud?
- What is the journal's responsibility when one author self proclaims fraud and another author says no fraud occurred?
- What is the responsibility of the journal if the journal thinks an institutional investigation was not evidence based.

15-11 Inability to contact an author to obtain permission to publish (LB)

Author A was an overseas PhD student who successfully completed the PhD, and then returned home to a country with considerable political and civil unrest. It had been intended to submit a paper before author A left but time ran out. Subsequently, authors B, C, D and E, who were all involved in the work in one form or another (experimental design, performing preliminary experiments, data interpretation and reanalysis, writing), have written the paper. However, authors B, C, D and E cannot track down author A.

Authors B, D and E have tried emailing author A using the email address that author A used before and during the stay in the UK. Authors B and E have tried contacting author A's spouse (who also did a PhD under author E's supervision) by email and Facebook, but the spouse is not responding. Author E has contacted a colleague of author A at the overseas university that author A worked in but that person does not know how to contact author A, nor does another student from that country who studied in author E's laboratory at the same time. The university that author A worked in is not open due to hostilities, and their website gives no contact information

Authors B, C, D and E are very keen to publish this paper, because the science is good, and also it is important for some of the co-authors who are early career workers and who need publications on their CVs.

Clearly, authors B, C, D and E are unable to obtain permission to publish from author A, whom authors B, C, D and E would like to put as first author, as author A performed the experiments.

Question(s) for the COPE Forum

- As the publisher of the journal where authors B, C, D and E wish the article to be published, would it be acceptable to publish the paper with a full statement about the authors' contributions to the article, and the fact that authors B, C, D and E have not been able to contact A? Thus there would be complete transparency.

15-12 Author impersonating corresponding author without knowledge of co-authors (ES)

We received an article which was accepted and published after an uneventful peer review process. The article was apparently written by seven authors from two universities. As part of our routine processes, all co-authors were alerted to a submission via the email addresses provided by the submitting author.

Some time after the article had been published, we received an email from the corresponding author (author B) to say that the paper had been submitted without his, or his co-authors, knowledge or permission. Author B says that the work reported is a result of a collaborative study between the authors listed on the paper, but that they had not yet agreed to prepare the reported work for publication. Author B claims that the first author of the article (author A) submitted the article to our journal under author B's name using a fake email account.

Author A has written to us independently to say that they submitted the article in the name of author B using a fake email account and signed the Licence to Publish in the name of author B without the consent or knowledge of author B. Author A and author B have requested that the published article be withdrawn. Author B claims that there are mistakes in the article and that the co-authors disagree with some of the viewpoints in the article.

The editor plans to investigate, if necessary with support from the universities, to establish whether the published article is scientifically flawed, and is reviewing what the appropriate action should be to address the authorship situation described.

Question(s) for the COPE Forum

- If the article is scientifically sound, and therefore does not warrant retraction to protect the accuracy of the scientific record, what action should the editor take to address the claims made by author B regarding author A's actions?

15-13 Suspected image manipulation involving four journals (BY)

Editorial office staff at journal A noticed possible image manipulation in two figures of a new paper submitted by author X. These suspected manipulations involved images of gels which appeared to contain multiple duplicated bands. This prompted editorial staff to look at the submission history of author X to journal A in more detail.

It was found that author X had previously submitted to journal A numerous times. All previous submissions had been rejected for reasons unrelated to the concerns raised here but one paper had been accepted for publication. Unfortunately, this author X paper which journal A had published appeared to contain possible band duplications in two gel images, as did an earlier submission which had been rejected at the start of 2015. As at least three papers received by journal A from author X has suspected image problems, authors X's recent publication history was examined.

Similar possible gel issues along with a suspected image duplication relating to a photo of bacterial colonies were identified in three papers published in three different journals (journals B, C and D). Two members of editorial staff along with the editor-in-chief of journal A have considered all of the suspected issues and feel confident they are legitimate. As it currently stands, journal A has rejected the most recent submission from author X on the grounds of possible gel issues identified. However, the suspected issues identified in the four published papers in journals A, B, C and D were not mentioned in the rejection letter to allow time for an appropriate course of action to be decided.

As the paper was only recently (12 August) rejected by journal A, it has yet to hear back from author X, if indeed it does at all.

Journal A feels that it is important that journals B, C and D are made aware of the issues in the papers they have published. However, they also feel that it is important that they are made aware of all of the papers involved so they can appreciate the full picture as this may determine how they choose to handle the issues in their own respective journals.

Question(s) for the COPE Forum

- Would COPE advise that journal A contacts journals B, C and D at this stage? If so, what sort of information could legitimately be provided to the other journals? Should Journal A provide journals B, C and D with copies of all of the papers involved, including the unpublished papers submitted to journal A which were rejected without review? Would this breach confidentiality or would the importance for full enclosure trump confidentiality concerns in this situation? As most of the suspected issues only become apparent when the brightness/contrast levels of images is adjusted, journal A has put together PowerPoint files for each respective paper involved to highlight the possible issues identified. Would COPE advise providing copies of these PowerPoint files to journals B, C and D so they are under no doubt about the possible issues identified or could this be considered a defamatory action in the (what we feel unlikely) event journal A is mistaken over these issues?
- What type of action would COPE recommend the journals take should all agree with the issues identified? Would retraction be called for, considering the numbers of papers involved? Should author X's institution be contacted? Journal A feels it is

important that these issues are addressed but also feels somewhat uncomfortable with the idea of having a hand in potentially destroying someone's career and livelihood.

- Journal A has not looked any further beyond the papers mentioned above as every published author X paper examined appeared to have potential issues so a line had to be drawn somewhere. However, journal A suspects that there may be other papers from author X in the literature with similar possible issues. Who is responsible for checking the publication history of author X for issues? Would it be author X's institution should you recommend this be referred to them?

15-14 Duplicate publication and removal of article (MK)

The editor of journal A was alerted to the fact that an article published in journal A had been previously published in journal B and constituted a duplicate publication. The editor contacted the authors who explained that they had tried to withdraw the article from journal B but their request was ignored and the article was published against their wishes.

The authors contacted journal B with a request to retract the article. Journal B removed the article from its website but did not publish a retraction notice or any explanation as to why the article had been removed. The article published in journal B was not indexed in any indexing services, but the title can still be found by a search in Google Scholar.

The editor of journal A wonders if they need to alert the readership to the fact that a reference to the same article in journal B can be found. They feel that retraction of the article from journal A is not the correct course of action in this case because the article is scientifically sound, and currently only the version published in journal A is available. However, readers may still be misled by references to journal B that can be found on the internet.

Question(s) for the COPE Forum

- Should journal A publish an ‘Expression of concern’ to highlight the duplicate publication in the past. However, the article in journal B is no longer available. Perhaps a comment in the comments system of journal A would suffice?

COPE does not seem to have clear guidelines in one place on how and when to use Expressions of concern (although we appreciate they are referred to in various Cases and in the Retraction Guidelines). It is also not clear whether they should be used as temporary notes or permanent publications (or can be both?). Different publishers use them on a case-by-case basis in an inconsistent way. PubMed recognizes an Expression of concern as a type of comment. We thought that it may be useful to discuss Expressions of concern in one of the future COPE discussion Forums to gather opinions from different publishers with a view to develop a more detailed set of guidelines for editors.

4. UPDATES

15-07 Ethics committee approval

Case text (anonymised)

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).

Advice:

The Forum noted that editors cannot be expected to know the national guidelines for the conduct of research in individual countries. It is up to authors to make sure that they comply with their national guidelines. One suggestion was that the national standards where the research was done should apply here, or the editor could make a judgement on his own national standards, in the country where the journal is located, and based on his knowledge of what he thinks requires ethics approval. It is good that the journal has a process for discussing this issue among its editorial board, to uphold minimum standards when the authors declare that they do not need ethical approval.

For country A, where ethics committee approval is required, the Forum suggested that the editor investigate whether the research does need ethics approval. It may be that the research is exempt from approval. But if the editor discovers that the study did require ethics approval and the authors failed to obtain approval, he has a responsibility not only to reject the paper but to follow this up with the author's institution and/or the ethics committee. Otherwise, the authors may just submit the paper to another journal.

For country B, the Forum suggested asking for proof that the study did not require ethics approval—for example, a letter from their ethics committee stating that the study does not require ethics approval.

Follow up:

The editorial board of the journal reviewed the Forum's recommendations and have decided to continue to ask ethics committee approval for every study submitted to the journal from all countries. If the study requires ethics approval, the authors will be asked to provide this. If they cannot provide ethics approval, the journal will reject the manuscript and contact the institutions or related bodies in the authors' country, if necessary. If a study does not need ethics committee approval after review, the journal will ask authors for confirmation from an ethics committee or an independent committee indicating that the study does not need ethics committee approval according to the research integrity rules in their country. The journal has updated their instructions to authors with these details.

15-08 Author disagreement regarding article corrections

Case text (anonymised)

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?

Advice:

The Forum agreed with the editor that these are not conflicts of interest, but differences in opinion between the authors. A conflict of interest statement would not be appropriate in this instance. The Forum suggested that the journal could ask the disgruntled co-author to submit a letter to the editor for publication in the journal, outlining his concerns. Raising these concerns in public could be a way of resolving this issue. It is important that the letter is linked to the original article, so that the two items are permanently linked. If the journal does not have a mechanism for publishing letters to the editor, the journal could use [PubMed Commons](#) which enables authors to share opinions about publications in PubMed. In extreme cases, it has been known to have two different discussion sections in the same paper.

A way to avoid a similar situation in the future would be to ask the authors to provide a contributorship statement, which outlines the contribution of each author to the study. The statement could also include agreement on the final version, so that all authors confirm that they agree with the final version for publication.

Follow up:

The journal decided to invite the disgruntled co-author to submit a letter to the editor and to ask the other co-authors to reply. They have yet to receive the letter.

15-09 Revoked parental consent

Case text (Anonymised)

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?

Advice:

The case provoked much discussion among the Forum and raised many interesting questions. Do people really understand the full implications of giving consent to publish? Do patients really understand what consent means? Do patients/carers understand that once a paper is published online, it is very difficult to remove it? A journal can take down the paper, but it may have already been downloaded and/or printed copies may be in circulation. Hence a paper can never be removed completely from the internet.

The Forum stressed that patients should be made fully aware of this before they provide consent. The fact that a paper can be read by anyone should be made very explicit to patients. In genetic studies on pedigrees for example, a paper may potentially identify not only the patient, but the patient's family, and therefore it may be difficult and complex to obtain consent in this situation. Hence the Forum advised that a journal should strive to avoid a situation where a patient or carer wants to revoke consent by providing clear instructions on what it means to provide consent in the first place. Also, the journal may wish to have their own consent form which could provide clear and detailed information on consent.

The Forum agreed that consent can be revoked and that a journal should respect the wishes of a patient if they wish to revoke consent. The journal should then remove the paper from their website but leave a place marker, with a note saying that the paper has been removed and stating the reasons why. The journal should inform the patient that although the paper has been removed, there is little that can be done regarding copies already in circulation.

For consent in children and young adults, some journals use a "minor assent form" along with parental permission, which is tailored to the age of the child. The child can then give their "assent".

The issue of consent forms has been raised at COPE in the past and the suggestion of a universal consent form was put forward. However, it was felt that one consent form could not cover all situations and instead, COPE plans to publish various on the COPE website examples of best practice journal consent forms for others to see and perhaps use for their own journal.

Follow up:

The editor was satisfied with the guidance the Forum provided. Based on feedback from the Forum, the journal is creating a sample parental consent form for authors to use as a template. The journal hopes to clarify what it means to give consent to publish a child's case in the journal so that the parent is fully aware. The editor would be interested in any formal guidance on consent issues from COPE. The editor considers the case closed.