

Ombudsman's report on a complaint brought against COPE for its management of a complaint against an editor regarding an article submitted to a member journal.

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A complaint against a journal editor may be referred to COPE if the journal is a COPE member. In this instance, the complainant was a reviewer. The complainant submitted the following to COPE on 15/2/09.

“In Spring 2008, the editor of the journal, had asked me to write a referee report for his journal. I recommended acceptance of the manuscript in question only after revision. In addition, I recommended questioning the authors list of the manuscript. The revised version did not take into account most of my change requests. I therefore recommended rejecting the manuscript. By the end of last year I accidentally saw that the paper had been published nonetheless in the journal—as far as I could see without changes. Apparently, the manuscript had been withdrawn as a result of my report, submitted again to the same journal and presented to different reviewers this time. I consider this as a very dubious procedure, which is unlikely to fulfil any standards of good scientific practice. In addition, my indication that some of the authorships may not be appropriate was not taken very seriously. Instead of asking all authors for an explanation of their contribution (which I had recommended) only the corresponding author was asked to confirm the correctness of the author list. According to your homepage, all journals of this Publisher have accepted the rules of COPE. Therefore, I would like to invite you to investigate the above process and to initiate suitable correction measures.”

The COPE Operations Director, replied, “We will investigate the matter and will advise you of our recommendations as soon as possible.” (2/3/09)

Six months later, the complainant wrote, “It is now more than half a year ago that I had informed you on a problematic reviewing process used by the journal. Unfortunately, I haven't heard back from you for quite a while. Could you please inform me on the status of your investigation?” (20/9/09)

The Operations Director : “Please accept sincere and profuse apologies ...I am entirely to blame for this inefficiency...Could you let me know if you brought the matter to the attention of relevant staff at the Publisher...?” (22/9/09)

The COPE Vice-Chair, asked the Operations Director on 22/9/09, “What is happening with this?” He replied, “To my eternal shame I somehow overlooked this.”

Replying to the Operations Director's message of 22/9/09, the complainant wrote, “I did not go any further in contacting the publisher” (27/9/09)

These exchanges may have raised a false hope that the “COPE/complainant dialogue” was picking up.

However, the complainant wrote, “More than three months have passed again since I have heard from you last time. May I ask you to please give an update of the status of your investigations in this matter?” (10/1/10)

The reply: “I must apologize for the delay in responding. This is due entirely to my inefficiency with regards to the matter.” (11/1/10)

This was decidedly unsatisfactory management by COPE.

The matter was transferred to the attention of a COPE Council Member. There was a series of communications from the complainant requesting a judgment on the matter and the Council Member informing the complainant that his complaints were essentially outside the Code of Conduct and not eligible for action by COPE.

The complainant protested COPE’s position and on 2/2/10 accepted the option of having the matter referred to the COPE Ombudsman.

In retrospect, the complainant stated that he had expected COPE (in a timely manner) to “elucidate the exact circumstances of the resubmission process that (he) criticized...” He hoped for an answer to the conditions and process for an editor to reconsider a rejected manuscript. (8/2/10)

Journals have procedures for authors revising a manuscript for further review and a manuscript can also be withdrawn, revised, and resubmitted. COPE recognizes the prerogative of an editor to select reviewers and to make the final decision on publication.

The complainant expected that COPE would make a written statement whether the behaviour of the editor conformed with the rules of good scientific practice. COPE has no policy on the specific behaviour complained of. However, this is a set of circumstances that could be seen as “referee shopping” to bring about a desired publication decision and could engage an issue of publication ethics. Perhaps it is an issue to be considered by COPE or perhaps discussed in a COPE forum.

The latter would not occur here, however, as the complainant, a non-member of COPE, does not have standing to bring a case to a Forum. COPE might consider expanding standing to include important cases otherwise barred.

COPE policy is that complaints may be filed only with respect to Code of Conduct violations and that a proffered complaint should state the specific Code element allegedly violated as well as affirming that there was an unsuccessful appeal of the editor’s decision to the publisher or another journal avenue of appeal.

The Code of Conduct requires that an editor ensure there is a way for dissatisfied complainants to take complaints further. This mechanism should be made clear in the journal. I was unable to find this on the relevant journal’s website. The complainant completed what he thinks was probably an anonymous commentary “to an independent market research organization” on his experience as a reviewer. He did not appeal his dissatisfaction with the editor’s response to the publisher.

COPE states that editors should have systems to ensure peer reviewers’ identities are protected unless they have an open review system. This journal employs single blind review, where the referee remains anonymous. The complainant initially complained

that his anonymity was broken. This was the result of his communication that he thought was directed exclusively to the editor being forwarded to the authors as well. He was concerned that his identity was revealed by his citation in his review of one of his own papers that was included with a couple of dozen other researcher citations. Subsequently, the complainant acknowledged that he may have checked the response on the reviewer form permitting his review to be sent to the authors as well as the editor.

The complainant expressed concern about the manuscript authorship. The journal has a policy of requiring that the corresponding author vouch for the appropriateness of all listed authors. This is common practice. It might be preferable to require a statement of each author's contribution. COPE has not formally endorsed that option which is in effect with some journals. The complainant did not state the basis of his concern about authorship.

The publisher's website refers to COPE as a second opinion for ethical issues in publishing. It states: "COPE investigations of reports are focused solely on whether the journal behaved according to the COPE Code of Conduct. COPE has also published Best Practice Guidelines for Journal Editors who are members of the organization and will investigate complaints against them."

A reader may read ambiguity here and have the impression that the remit of COPE to respond to a complaint goes beyond what is specifically included in the Code of Conduct. The complainant acknowledges that he had not read the full COPE website. If he read only the publisher's content, he could have considered COPE's remit to be wider than it is and so his expectations for action would have been mistaken.

COPE is not entirely clear on what its actions may be to the substance of a complaint. It has stated "The remit of COPE is to provide advice and guidance and not adjudicate or provide judgements on individual cases." However, after Council considers a case, it can recommend action which can include an editor apologizing to a complainant. This can be interpreted as providing a judgment.

COPE should publish guidelines on the extent (if any) to which they may offer advice/guidance on an issue of publication ethics that does not constitute a specific Code of Conduct violation.

In sum, this is a complex case with poor communication between COPE and a complainant, misunderstandings of the possible substance of a complaint to COPE, and ambiguity in COPE's published guidelines to prospective complainants. It may also serve as a stimulus for COPE to widen their receptivity to consider novel issues of publication ethics.

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