



Forum agenda
Meeting to be held on Monday 24 April 2017
BY WEBINAR

At 6.30am–8am (British Summer Time)
AND
At 4pm–5.30pm (British Summer Time)

1. Update on COPE activities by the Chair

2. Forum discussion: Dealing with repeated and persistent complainants

3. New cases

17-08 Editor found guilty of research misconduct (HC)

17-09 Lead author of a research paper disagrees with content of a linked editorial (EL)

17-10 Withdrawing from authorship (SS)

4. Updates

16-21 Suspected unattributed text in a published article

17-02 Data manipulation and institute's internal review

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

17-04 Authorship dispute regarding author order

17-06 Satire in scholarly publishing

17-07 Submission of an already published case report

CONTENTS

2. FORUM DISCUSSION: Dealing with repeated and persistent complainants	3
3. NEW CASES	4
17-08 Editor found guilty of research misconduct	4
17-09 Lead author of a research paper disagrees with content of a linked editorial	5
17-10 Withdrawing from authorship	6
4. UPDATES	7
16-21 Suspected unattributed text in a published article	7
17-02 Data manipulation and institute’s internal review	8
17-03 When to conclude correspondence from reader about errors in a published article	9
17-04 Authorship dispute regarding author order	11
17-05 Is it plagiarism to use text verbatim from a manuscript review?	12
17-06 Satire in scholarly publishing	13
17-07 Submission of an already published case report.....	14

2. FORUM DISCUSSION: Dealing with repeated and persistent complainants

How journals and publishers deal with complainants who repeatedly contact them will be discussed at the beginning of the Forum. Questions that might arise include: how should editors act when the complaints are numerous, persistent, become increasingly personal and aggressive, and are circulated around the wider community, either via email or on blog sites? How should editors respond when anonymous comments are posted on social media or other public sites? What strategies can journals and publishers use to prevent such instances occurring?

The discussion will inform updates to COPE's discussion document "Addressing ethics complaints from complainants who submit multiple issues"

(https://publicationethics.org/files/u7141/Addressing_ethics_complaints_from_complainants_who_submit_multiple_issues_%20Discussion_Document_Web_Version_0.pdf), with the intention of moving towards producing more formalised guidance on this issue. We will also consider the flowchart on whistleblower concerns made via social media
https://publicationethics.org/files/RespondingToWhistleblowers_ConcernsRaisedViaSocialMedia.pdf

A recent post from COPE describing our experience with a serial complainant can be found here: <http://retractionwatch.com/2017/03/23/agreed-listen-complaint-paper-harassment-began/>

If you have any comments, or examples of this type of issue, contact COPE's Executive Officer, Natalie Ridgeway. If you would prefer to have any examples discussed anonymously, COPE can present on your behalf.

3. NEW CASES

17-08 Editor found guilty of research misconduct

A journal appointed a new editor-in-chief to their journal. He had previously been on the editorial board of the journal for 10 years and the editorial registrar for 5 years. During the handover period, it came to the journal's attention that he was due to appear in front of a tribunal for research fraud. By agreement with the journal, he stepped down until the outcome of the tribunal, and the editor-in-chief of another journal took over as acting editor-in-chief in the interim.

The outcome of the tribunal was that many of the charges against the editor were upheld, so he has stepped down permanently. The charges that the tribunal found him guilty of (which did not relate to any papers published in the journal) included fabricating data, accessing electronic patient records without permission, breaching patient confidentiality, submitting a paper knowing that his coauthors had not approved it as a final version, forging his coauthors' signatures on copyright forms, and referencing a particular fictitious individual in the acknowledgments (apparently as a private joke).

During his time on the editorial board, he published numerous articles in the journal, including two original research articles, nine reviews, three editorials/commentaries and one case study. As far as the journal is aware, there are no substantive issues with any of these papers, which underwent the usual review procedures, but several reference the fictitious person in the acknowledgments.

During his time as editorial registrar, he had input in editorial decisions, as a reviewer and associate editor, and by assisting the then editor-in-chief with decisions on the two categories of papers in our journal which undergo internal review rather than full double-blind peer review. During the weeks when the editor-in-chief role was being handed over, before he stepped down, he made the final decision on several manuscripts as editor-in-chief.

Question(s) for the COPE Forum

- To what extent should the journal consider the editor's previous publications in the journal as 'suspect'? The journal will publish a correction relating to the fictitious acknowledgments; should they publish any additional note of editorial concern against his papers?
- To what extent should the journal revisit editorial decisions he has previously been involved with during his 10 years' association with the journal?
- The acting editor-in-chief has not been appointed editor-in-chief according to the stringent procedures recommended by COPE/ICMJE. Is there anything the journal can do to mitigate this situation during the process of appointing a new editor, which may take several months?

17-09 Lead author of a research paper disagrees with content of a linked editorial

The author of an accepted research paper (that showed some benefits for a controversial treatment) contacted the journal shortly prior to publication of the paper. It is the policy of our journal not to share commissioned editorials with authors ahead of time. This author had, however, received a copy of the journal press release in preparation for a press briefing. The press release quoted statements from a commissioned accompanying editorial that concluded that "a clinically useful effect [for the treatment] remains uncertain..." and pointed out some shortcomings of the paper.

The author contacted the editorialist directly to obtain the full text of the editorial, and complained to the editorialist and the journal about its content. The editorial was revised to take some but not all of his complaints into account. The author requested that he be allowed to read the revised editorial and suggested that it should be sent for peer review. These requests were refused.

However, at a press briefing just prior to publication, the authors saw a final version of the revised editorial. They contacted the journal and indicated they were dissatisfied with the revised editorial. They asked to have a lengthy letter rebutting the editorial posted online simultaneously with publication of the editorial.

They were directed to follow normal procedures for posting a response to a paper, which includes waiting until it is published and adhering to other standard procedures for commentary on a published paper. The authors were not satisfied with this suggestion. After negotiation, a compromise was reached which allowed posting of a longer than usual letter the morning after the editorial went online.

Question(s) for the COPE Forum

- Does the Forum think it is good practice to share the content of linked editorials with the authors of the relevant paper? Should the journal change its long-standing policy not to share?
- What is the Forum's view on whether commissioned editorials should be sent for peer review? If not routinely, then should that have been done in this case?
- How should the journal respond to the behaviour of the lead author? Contacting the editorialist directly to obtain a copy of the editorial, and corresponding with that person directly over the holidays, is not typical behaviour and clearly made the editorialist feel uncomfortable.
- The journal declined to publish the authors' rapid response alongside the editorial when it went online. The journal decided that the authors should go through the usual process of posting a rapid response to the editorial after publication, and that it should be vetted in the usual way. Was this the right decision?
- Should the journal have allowed the editorial authors to see this very critical rapid response before publication, so they had the chance to respond quickly?

17-10 Withdrawing from authorship

A journal published a paper that is now under investigation by the host institution for misconduct. All authors signed that they agreed authorship and took responsibility for the content of the paper. After the investigations started, an author asked to be removed from authorship.

Question(s) for the COPE Forum

- What should the journal do in this situation?
- Should the journal permit the author to withdraw, or does agreement to authorship have irrevocable responsibilities?

4. UPDATES

16-21 Suspected unattributed text in a published article

Case text (anonymised)

An article was published in July. In October, a corrigendum was published to correct large sections of unattributed text. Two weeks later the journal and publisher received a complaint from a reader who accused the author of the published article of using text from an unpublished collaborative manuscript on which the published author was participating. This participation on the collaborative work was initiated and ongoing during the time that the manuscript was being prepared for publication at the journal. The unpublished collaborative work has not yet been published.

The reader requested retraction of the published article, with the possibility of a republication only when all collaborators of the unpublished work were in agreement with the article content.

The publisher and journal initiated the procedure outlined in the COPE flowchart 'Suspected plagiarism in a published manuscript'. The editor-in-chief has requested feedback from the published author on the reason for the large overlap in text.

Question(s) for the COPE Forum

- Should the publisher and journal publish an 'expression of concern' while continuing with the investigation?
- Is this the correct approach in this situation?

Advice:

The editor told the Forum that she had checked the articles and the degree of overlap of text was nearly 20%. The Forum warned that percentages can be misleading, and the editor needs to look carefully at where the overlap occurred (in the introduction and methods may be fine, but it can be more problematic in the results or conclusion sections).

The institution(s) may need to be involved in this case.

The Forum would advise against an expression of concern on the article as these are generally used for ongoing unresolved cases. In this case, there is nothing proven or finalised—it may 'end' in a correction or a retraction. Hence it may be premature to publish an expression of concern and the editor should wait for a response from the authors. There is also the issue of the negative connotations of an expression of concern and/or stigma for the author, which may be unwarranted

A suggestion was for a less permanent 'Editor's note' on the article for now, written in neutral terms.

As there seems to be clear grounds for self-plagiarism, the Forum would suggest consulting the [COPE/BioMed Central guidelines on text recycling](#).

COPE resources:

[COPE flowchart on plagiarism](#)

[Text recycling](#)

[Maria Kowalczyk presentation at COPE seminar](#)

Follow-up

The journal's review of the guidelines on text recycling led to the conclusion that the scientific content was not disputed, and in fact the article adds to the body of knowledge. Also, the text recycling was not in the discussion or conclusions but rather in the methodology. The journal decided not to publish an expression of concern or retract the publication. The editor considers the case closed.

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:
 - accept the research institute's recommendation that without evidence to prove deliberate manipulation of the data no further action should be taken.
 - 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.

Advice:

The Forum acknowledged it is difficult for the editor to decide on whether to accept the institution's conclusions on the case or if in fact the journal should do more and work on their own investigation, involving the editorial board and/or their independent expert.

The Forum questioned the type of investigation the institution carried out. If it was a thorough research misconduct investigation, the journal should be able to rely on the results of that investigation as this usually involves multiple levels of investigation, an enquiry, with a faculty board reviewing all of the data that are then made available to the journal. However, if the journal received a relatively rapid response from the institution, then perhaps the internal review is not very reliable.

The Forum asked if the journal had a data availability policy—does the journal require the data from a study to be made available on request? The real issue is why the original data were not available. The lack of the original data is a serious concern. The minimum requirement of an institution is to curate and preserve the data, and it would be expected that any reputable institution would normally comply with data being available for a period of time after the end of the research (usually about 5 years). Hence this a failure of the institution. This alone could be grounds to retract the paper or publish an Expression of Concern.

If the editor is confident that there is a problem with the paper, and confident in the advice of their experts, then the journal should consider publishing an Expression of Concern, detailing the facts of the case, and pointing out the discrepancies between the findings of the institution and what the editor believes.

If the journal has a post-publication comments section, another suggestion was to encourage the reader to post their concerns, giving the authors a chance to respond as well as allowing more participation from readers. This would also allow for more transparency of the issue.

Follow-up

The journal followed-up with the institute to outline their concerns and explain that the journal would like to publish an Expression of Concern linked to each of the affected articles. The institute was supportive of that approach and so the journal is now following-up accordingly to issue the notices.

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

Case text (Anonymised)

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?

Advice:

The Forum questioned the decision by the journal to invite Dr A to write a formal letter to the editor. It may have been more useful for the editor to make it clear to Dr A that any letter to the editor would go through the normal peer review process.

If concerns are raised by a reader, the usual approach would be to contact the authors regarding these concerns and to determine whether there are errors, and hence an erratum is needed, or if there is just a difference of opinion. If the latter is the case, the editor could suggest that Dr A submit a comment on the paper, which would go through the normal peer review process, with the authors given the chance to submit a reply. The comment and reply can then be published in the journal. In this way, the full discussion on the article is in the journal, giving clarity to the reader and enabling them to draw their own conclusions.

Some journals have a stated policy that allows no more than one letter to the editor from one specific reader on any one particular article, to avoid ongoing dialogue.

Follow-up

The journal took the following actions:

1. They proceeded with the course of action previously described, writing to Dr A and the authors to let them know that the journal would first publish the erratum and then one exchange of correspondence between Dr A and the authors. The editor made it clear that this concluded the matter as far as the journal was concerned and that any subsequent exchange of correspondence should take place privately between Dr A and the authors.
2. The journal added the following statement to their editorial policy on items of correspondence: "Only one letter may be submitted by any single author or group of authors on any one published paper".

17-04 Authorship dispute regarding author order

Case text (Anonymised)

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?

Advice:

The Forum advised referring this to the institution, and asking the institution to verify who should be authors on the paper and what the authorship order should be. It is not up to the editor or journal to investigate this issue. As three of the authors are based at one institution, it would be reasonable to ask the institution to mediate in this situation.

There may be copyright issues, if the dissenting author no longer agrees with the content of the article, as all authors have joint copyright. Again, the institution needs to resolve this—this cannot be decided by the editor.

One view was to tell the authors that unless they sort out their differences their manuscript will be retracted. However, another view was that if there are no scientific concerns with the paper, it would be difficult to make a case for retraction. If the journal is confident that the data are valid, then there are no grounds for retraction, but an Expression of Concern could be published stating the concerns of all of the authors. Another suggestion was to issue a correction notice stating which authors support and which authors do not support the current version of the paper, thereby avoiding having to retract the paper in what is essentially an authorship dispute.

Does the journal ask for contributorship statements from the authors? This may clarify the issues around authorship.

Authorship order is a common problem and the issue of who should be listed in what order differs by discipline. There can also be cultural differences as well as different practices in different countries. Hence it can be difficult for authors to navigate.

COPE resources:

What constitutes authorship

How to handle authorship disputes: a guide for new researchers

Follow up:

The journal has reached agreement in principle with the authors on a revised author order and statement regarding the research, but to date, only one author has returned the sign off sheet. The journal is hopeful to receive the rest shortly.

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

Case text (Anonymised)

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?

Advice:

This case raises the issue of who own's peer reviews. Does the reviewer have copyright on their own report? The Forum agreed the intent is for reviewers to provide advice to authors, and this is given in good faith to improve the manuscript, regardless of where it is eventually published. It seems a little unreasonable for the reviewer to be so possessive of his comments. On the other hand, good practice would be for the author to acknowledge the work of the reviewer.

The Forum commented that there appears to be a certain amount of laziness on the part of the author in copying verbatim the text from the reviewer. The comments from the reviewer should be attributed. Hence a suggestion was to publish a correction or erratum to attribute the idea and wording to the reviewer. The editor should ensure the reviewer is happy to be named or it could be done anonymously.

Ultimately, it is up to the editor to decide on the context of the plagiarised text (in this case one line of text) and whether an erratum is needed.

Follow-up

The journal felt that an erratum was not necessary in this case, since the comments used from the reviewer were only one line of text. Both the reviewer and the author were contacted and made aware of the decision. The journal considers the case closed.

17-06 Satire in scholarly publishing

Case text (Anonymised)

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?

Advice:

The Forum noted that it is up to individual editors or publishers to decide what they publish, and if publishing these types of articles is a valuable use of their page budget. Editors should not be told by other editors or journals what they can and cannot include in their journal.

Hence it is not reasonable for the other journal editor to request retraction of the satirical article. There are no grounds for retraction.

The Forum agreed that there should not be editorial censorship but journals and publishers have an obligation to tag satirical articles clearly. They need to be appropriately and responsibly flagged up as such. A view expressed was that in this era of “fake news”, editors have an increased responsibility to ensure that the scientific record is not corrupted and co-opted, and that satire does not end up having unintended consequences on public discourse, including development of public policy. It was suggested that the metadata should also be tagged so that a machine can quickly understand that this is satire. This is especially relevant in terms of text mining ecosystems so that anyone designing a study would have a very easy means of filtering out articles that have been tagged as satire.

From a legal standpoint, journals need to meet a reasonable standard of not being misleading. If the article is clearly marked, with clear headings, and no suggestion this is proper research, then the reader has a responsibility to read things carefully.

The authors of the systematic review are at fault for not carrying out their methodology correctly and should have read the paper properly. The journal that published the systematic review needs to take steps to correct the systematic review.

Follow-up

The journal did not retract the article and agreed with the Forum that the onus was on the researchers to read the paper, which clearly indicated that it was satire. The journal will take the Forum’s other recommendations into consideration on future articles of this type (eg, ensuring metadata indicate that it is satire in addition to noting in the article type and within the article itself). The editor considers the case closed.

17-07 Submission of an already published case report

Case text (Anonymised)

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?

Advice:

The Forum agreed that the journal had handled the case correctly and no further action is needed. The editor was correct in rejecting the paper and not considering publication if the article was withdrawn from the internet journal. The authors should be told that internet only journals are the same as printed journals, and hence the paper is considered published. The editor could consider alerting the author's institution.

Follow-up:

The editor thanked the Forum for their comments and considers the case closed.