

FORUM AGENDA

Meeting to be held on Tuesday 23 March 2021
14:00-15:30 (GMT)
By webinar

Agenda

1. Update on COPE activities by the Chair
2. Forum discussion: Ethical considerations around book publishing
3. New cases
 - 21-01 Preprint plagiarism
 - 21-02 Author anonymity at the final proofreading stages
 - 21-03 Author alleges discrimination by institutional report
4. Updates
 - 20-02 Institution wants to retract despite ongoing legal proceedings
 - 20-06 Ethics approval for survey design
 - 20-09 How to respond to a reader's repeated concerns
 - 20-13 Author requesting removal of verbatim text from published paper

2. Forum discussion: Ethical considerations around book publishing

<https://publicationethics.org/resources/discussion-documents/book-publishing-ethics>

Periodically, COPE gets requests for the development of discussion documents, guidance and flowcharts on publication ethics issues related to book publishing. Many of our members publish both journals and books, and a number of these members reference COPE guidance on journal publishing and ethics as providing useful information on particular topics related to research and publication ethics.

What are the particulars of ethics in book publishing? Does book publishing require independent consideration with respect to publication ethics?

What are we looking at when we talk about books?

Books cover a range of materials, many of which are treated differently and many are treated the same within book publishing. Books can be original monographs, anthologies, text books or conference proceedings.

- Original monographs include original research, whether theoretical or empirical. These can be sole authored or co-authored and will usually be published after full peer review.
- Anthologies come in various forms. They can be: a collection of previously published articles which are brought together in a thematic manner; a collection of solicited original articles on a particular theme; or a combination of original and previously published articles on a particular theme. Anthologies may go through various reviews, ranging from editor reviews of proposals to traditional double blind peer review.
- Text books can be books which organise established knowledge on a particular topic for the purpose of education, and can be targeted at some level of student learning. Text books may or may not receive the same standard of peer review as monographs.
- Conference proceedings. COPE will address this topic separately at a later date.

Books can be published by many different kinds of publication processes, including, increasingly self-publication.

Questions for discussion

1. Are most of the publication ethics issues the same in book publishing as in journal publishing (eg, plagiarism, authorship, ethics approval, consent, peer review)?
2. Are there particular problems with books (eg, how to retract a full book? How to retract part of a book—a single chapter within an anthology/edited volume?).
3. Should proposal review count as peer review? Does selected chapter review count as peer review?
4. Do we need to develop a taxonomy of book publishing practices and parallel advice on publishing ethics in books?
5. Where do we go from here?

3. New cases

21-01 Preprint plagiarism

Author group A deposited a preprint onto a preprint server and simultaneously submitted the manuscript to journal A. Peer review in journal A took some considerable time, but the paper (paper A) was eventually published. During the long peer review of paper A, author group A noticed that another set of authors, author group B, had published paper B in journal B. While paper B was submitted several weeks after paper A (and after the preprint appeared), peer review in journal B was somewhat faster, and so paper B was published before paper A. Author group A suspect that some of the data and language in paper B was taken from their preprint, and that author group B had used this to "scoop" paper A. A citation to the preprint was given in paper B but author group A felt that this was only to guard author group B against accusations of plagiarism, and certainly did not assign full credit to their original discoveries.

Author group A feels like author group B took advantage of some key results in their preprint to accelerate some major points in paper B. Unfortunately, author group A did not raise this with journal B. Journal B has only found out about this through word of mouth. Journal B does not know exactly which paper they refer to.

Questions for the Forum

1. Is there a case to answer here?
2. Should the editor of journal B advise author group A (who remain anonymous to journal B, and who can only be contacted through one of the editors of journal B) that they should formally report the issue to journal B so that it can be investigated as a plagiarism case in a published manuscript?
3. What measures can journal B take to help prevent this happening in the future (eg, better training for editors and reviewers to identify the issue)?

21-02 Author anonymity at the final proofreading stages

A newly relaunched open access, peer reviewed journal operates a double blind peer-review system. At all stages of the review, until the decision to accept has been taken, neither the author nor the reviewer can identify the other. The journal always uses at least two reviewers, who are also unaware of the identity of each other.

After the author has been told that the article is accepted, it may require some final proofreading (eg, footnote cross references, typos, etc). It is easier to do final checks on copies that include the author details. No further decisions as to whether to publish are taken at this stage. However, the reviewers are given the choice as to whether to review a re-submission at any stage, including after acceptance. Also, some individuals who had acted as reviewers at earlier stages, agree to help with these final checks, and are no longer acting as reviewers, but as copyeditors.

Questions for the Forum

1. Does having the author details on the final copies, that may be seen by the reviewers, breach the double blind system?
2. Is it acceptable practice for reviewers to help with final checks (eg, grammar, accuracy of footnotes, etc) after acceptance (in effect, acting as copyeditors)?

21-03 Author alleges discrimination by institutional report

In 2020, the corresponding author of an article published online three years previously notified the journal of an authorship conflict and explained that the institution was requesting retraction. Because authorship conflict does not typically warrant retraction, the publisher requested further details from the author and the author's institution about the conflict. The author provided two different versions of a heavily redacted report from the institution's responsible conduct of research investigation committee report. Because there was no response from the institution for several weeks, the journal published an expression of concern (EOC) and continued periodic chasing of the institution.

The institution eventually responded indicating it was not an authorship conflict but research misconduct on the part of the corresponding author. The journal, publisher, and institution's integrity officer subsequently met to discuss the findings. Following the meeting, the institution provided a third version of a heavily redacted committee report, which was conducted to review multiple allegations against the corresponding author. The institution's committee concluded multiple allegations had occurred, affecting multiple publications, including in this journal's article: (1) data fabrication affecting one of nine figures and (2) that incorrect institutional animal care and use committee (IACUC) protocol numbers were listed in the published article, and some animal research methods described in the article lacked either IACUC approval or the experiments were conducted before the protocols were approved by the IACUC, which is against journal policy. The journal considered this sufficient information to proceed with retraction of the article.

After informing the corresponding author of the retraction notice, the author responded that the conflict was an authorship dispute and that they have been the target of racial discrimination at the institution. The journal and publisher put the retraction notice on hold and asked the corresponding author for documentation they claimed would exonerate allegations of lack of IACUC approval. The author then provided an IACUC protocol and approval letter citing a different number than is published in the paper. The journal reviewed the author's documentation and confirmed that some procedures used in the article were not approved in the IACUC protocol provided by the author. However, the journal noted that the methods used were within the standards of accepted practices in the field and that the institution's recommended consequences (retraction) seemed more significant than those similar circumstances.

The corresponding author claims to have reported this dispute to the NIH Office of Research Integrity and to have resigned from the institution. The journal's retraction notice remains on hold.

Questions for the Forum

1. The corresponding author has called the validity and motivation of the institutional body's findings into question. While the journal cannot adjudicate the allegations of racism, how does the journal protect itself from being part of the discrimination (if the allegations are true) while also ensuring the validity of the published work?
2. What should the journal do with regard to the EOC, which is supposed to be temporary?
3. If the journal does not retract the article, should this dispute be made more transparent to readers?

4. Updates

20-02 Institution wants to retract despite ongoing legal proceedings

The case has been with two publishers for more than a year. Journal A at publisher A published article A by author A, affiliated to institution A and institution B (in another country), and author B affiliated to institution B. Journal B at publisher B then published article B, by the same authors and affiliations. The two articles are on closely related research.

Shortly after publication of article A and before publication of article B, a senior colleague of author A at institution A contacted publisher A asking for article A to be retracted. The claimant said author A had left institution A after the submission to journal A but before publication. The claimant alleged that author A used other researchers' data without permission and used the affiliation without approval (breaching an agreement signed by author A), some data were unverified by institution A, and author B and institution B were not involved in the research. The other researchers alleged to have been involved were not acknowledged. These allegations were confirmed by the head of department at institution A.

Author A disputed this, saying they did do the work and were still affiliated to institution A (as confirmed by a letter signed by an institutional representative and a court document), and they were no longer subject to the agreement they were said to have breached because it had been terminated. Author B has not commented on the allegations and institution B has been uninvolved in the investigation.

Publisher A asked institution A to formally investigate. Institution A's preliminary investigation confirmed grounds to suspect misconduct and they began a further investigation. At this point, institution A asked for the publication of an expressions of concern (EoCs) to inform readers of the investigation, which both publishers agreed to. Author A asked for the EoCs to not be published due to ongoing legal action against institution A and the claimant and asked to be allowed to add comments to the EoCs if they were published, but each publisher posted the EoC without author A's comments.

Several months later, an institutional representative asked for retraction based on author A not providing data to the investigation and doubts that the named authors were the only ones who contributed to the research. Institution A said author A had taken further legal action against institution A, but nevertheless asked for the articles to be retracted due to misconduct by author A. Institution A stated that there will be no further investigation of, or action against, author B.

The publishers have not been given details of the investigation report or findings. Author A still denied misconduct and said they had not been given evidence of this, and confirmed their ongoing legal action against institution A.

Questions for the COPE Forum

1. One option may be to update the EoCs to note the finding of institution A's investigation of misconduct and their request for retraction. Is this reasonable in the absence of detail on the institution's findings and in light of the ongoing legal action (which the institution admits is continuing)?
2. Institution A is pressing for retractions and presumably legal proceedings could be dragged out by author A. Does institution A have the authority to force retractions while civil legal proceedings are underway?
3. Can the publishers insist on seeing the findings of the institutional investigation?

Advice

Generally, it is best if journals do not get involved in legal arguments. The advice would be not to proceed with the requested retraction while there are ongoing legal proceedings. The Forum acknowledges this is not a perfect solution as legal proceedings can be lengthy.

However, the journal might take the stance that until the institution or the author who complained states exactly what is wrong with the article, the article will stand, and no action will be taken. It is unreasonable to ask a journal to retract an article or take action without a clear explanation of the problems with the content of the article. Also, it is not the journal's role to be a mediator or to follow the demands of any one party. Hence the journal should be cautious about making a permanent decision while there are ongoing legal proceedings.

The Forum advised the journal to follow the advice of their own legal team.

Follow-up

The publisher informed the institution and the author that no further action would be taken while legal proceedings are ongoing. The institution did not reply. The publisher asked the author to provide the full document of the application to the court and expected timings, but those details have not been provided yet. Further delays due to the COVID-19 pandemic are expected.

Follow-up (March 2021)

There have been further court proceedings, but no outcome. Author A declined to share the data with the journal. The expression of concern was updated to note this. Institution B was contacted, but did not respond to the journal.

20-06 Ethics approval for survey design

A manuscript was submitted to disseminate a cross correlational survey research study. The manuscript states that the data were collected through surveys for the two calendar months prior to initial manuscript submission, which occurred in the middle of the third month. The initial submission indicated the research followed the principles of the Declaration of Helsinki, but no other human subjects' protection information was provided. This is not unusual at the journal when the institutional review board (IRB) or organisation does not provide documents in English. The journal requires an English language translation copy of IRB approval on submission of the revision. After peer review, a revision was requested along with an English translation of the IRB approval letter, the exemption or the organisational policy or government regulation that clearly exempted the research protocol from ethics review.

The revised submission included an English translation of portions of the IRB approval that documented there were two review dates; both occurred after the initial manuscript was submitted to the journal and the initial "revise" decision was sent to the author. It is unclear if the IRB requested revisions to the protocol, which had already been completed, before approving. The editor rejected the manuscript at this point for ethical concerns.

The corresponding author requested an appeal of the editor's reject decision. The corresponding author reported a different starting date for data collection than the original manuscript had listed, now only two weeks prior to initial manuscript submission. The corresponding author said that they had missed the IRB deadline in month 2, were triaged and not considered for review by the IRB due to the COVID-19 pandemic at the usual deadline for month 3, but were able to submit on the last day of month 3 and received approval in the middle of month 4 (after which the revised manuscript was submitted). The corresponding author acknowledged they chose to collect data prior to IRB submission and approval under the pandemic circumstances, with a self-determination they were following the requirements of the Helsinki Declaration and no other documented ethical or human subjects' review prior to data collection was apparent.

The journal often receives manuscripts of survey results intended for an internal organisation needs assessment or evaluation, or for quality approval purposes. There are instances where the results of such survey analysis are appropriate to publish and exempt from IRB review, or for the authorship team to seek IRB approval for dissemination after data collection if an unexpected or novel relationship is found. However, in this instance, there is no clear documentation of the intent for a specific organisation's needs assessment, evaluation, or quality improvement that would clearly meet exempt from review or ethical approval criteria.

Questions for the COPE Forum

1. Should the journal allow resubmission of the manuscript or an appeal to the reject decision, under the unique circumstances of the COVID-19 pandemic, which included the IRB triage of the corresponding author's protocol.

Advice

The Forum noted that most universities had a statement related to institutional review board (IRB) approval with respect to the COVID-19 pandemic, generally stating researchers could not conduct research that required approval and obtain retrospective approval on the research. In this case, it seems that the authors submitted an IRB application and performed the research, assuming the research would be approved. But most universities require researchers to wait for that approval—there is no right of retrospective approval. The Forum believed that the journal took the correct decision in rejecting the article and should not seriously consider an appeal. However, a suggestion was to consider contacting the original IRB to ask if they had a policy about retrospective data collection and if they were aware that the data collection had already occurred.

Follow-up (March 2021)

The manuscript was rejected. The editor considers the case closed.

20-09 How to respond to a reader's repeated concerns

A meta-analysis was published in a journal ahead of print, and then subsequently in print. Several months later, the journal was contacted by a faculty member at a university not connected with the study. The reader outlined three general concerns with the meta-analysis. The concerns were discussed by the editorial team, including the statistical editor, and it was decided that the overall results of the meta-analysis were not affected. The complainant persisted in the critique, which was relayed to the authors of the original article. The first author provided a detailed response to the issues raised; the journal did not request an erratum at that time.

A discussion followed between the complainant and the editorial office about the extent to which the issues raised were errors or 'a matter of opinion'. One error was clear and was corrected by an erratum. In the journal's view, the other issues raised were open to interpretation. The complainant was invited to write a letter to the editor, but they declined and persisted that an erratum should be published or that the journal should consider retracting the article.

Because some of the points of critique were of general interest to the field, and also in an effort to resolve the issue of the continued critique by the complainant, the journal decided to publish an editorial comment authored by the editor in chief and the statistical editor. The editorial comment paraphrased the complainant's concerns and added a few additional considerations relevant to the interpretation of the meta-analyses. The complainant was given the opportunity to review the editorial comment and the journal also asked his permission to be acknowledged for bringing the issue to the journal's attention. The complainant gave his feedback, which was incorporated, and also his permission to be acknowledged. The journal also gave the authors of the original article the opportunity to respond to the editorial comment. The authors wrote a scholarly response and also provided re-analyses of the data when excluding the contested

studies. The editorial comment was published, together with the acknowledgment, the author's response and the erratum.

Before the publication of the editorial comment, the journal held a conference call with the complainant. The complainant had published a paper on a related issue in the preceding year, but the study published in the journal was different from the previous meta-analyses from the complainant's own group. This had not been disclosed to the journal previously. It became also clear that the complainant had not contacted the authors of the article to share his concerns, and the journal encouraged him to do so.

Subsequently, the complainant raised new issues with the original meta-analyses, which they discussed with the authors. The complainant insisted that an additional erratum was needed; the authors of the meta-analysis are now preparing a second erratum. The complainant was again invited to write a letter to the editor, and again declined.

The journal is concerned that the second erratum will not satisfy the complainant and that this issue will not end unless the journal agrees to retract the original article. The assessment of the journal is that there are insufficient grounds to retract this article. One of the complainant's recent emails to the authors says that they will contact the authors' university and colleagues and the funding agencies that support the work of this research group about the purported errors made by this team. The complainant has also requested that the journal involves the publisher's "ethical committee dealing with the publication process".

Question(s) for the COPE Forum

1. What is a journal's responsibility to minimise potential damage that readers can do to the reputation of the author where the reader disagrees with the editorial team and the authors of the original article on whether an error has been made versus a difference in opinion?
2. What are the options for a journal to respond to (unreasonable) requests from readers regarding the content published in the journal and/or request to retract a paper if the editorial team considers the concern not sufficiently problematic to result in retraction?
3. What could the editorial team have done to better respond to the reader's concerns?

Advice

The Forum noted that although it is honourable to want to protect the authors from this complainant, it is not the journal's responsibility. The editor has a responsibility to protect the scholarly record, and to publish errata or retractions, based on the data and peer review process of the journal. In this case, it would seem that this is becoming more of a matter of a personal vendetta between the complainant and the authors. The Forum suggested that the editor could consider contacting the authors' institutions and asking them to investigate.

The Forum mentioned that often journals encounter individuals who are persistent—they raise one issue, the journal addresses and potentially corrects the issue, but the complainant is not satisfied and refuses to accept that the issue has been resolved. All journals can do is follow due process: the journal should have a process, have documentation of having followed that process, be transparent, and keep good records. Ultimately, editors have the right to decide what they publish, and the editor's and publisher's decision is final. Has the journal communicated this clearly to the complainant? The complainant requested that the journal involve the publishers' ethics committee, so the editor might consider this option, if an ethics committee exists at the publisher.

These situations can be very difficult for journals, especially with a persistent complainant. If the journal has completed its due process and determined that the article stands, with or without an erratum, then due process has been done. If the complainant comes back with new concerns or issues that were not considered or were not covered by the prior assessment, that might be a

reason to look at the article again. But if they are simply reiterating the issues that were raised previously, it is reasonable for the editor to say they have already considered those issues and that the case is closed.

What is the journal's responsibility to minimise damage? The journal's responsibility is to the content of the article. What the reader does external to the journal cannot be managed by the journal.

Follow-up

The second erratum was published and that no further communications were received from the complainant. The editor considers the case closed.

20-13 Author requesting removal of verbatim text from published paper

Author A contacted author B. Author B had published a paper several years ago that contained verbatim text of author A's previously published work. The verbatim work was cited but presented to the readers as paraphrased from the original. Similarity checking software showed that the paraphrased text was too close to the original text; in fact, it was quoted verbatim.

Author A is demanding that author B request the publisher to remove all of the text used from author A's published work. Removing all of author A's work from author B's published manuscript equates to 8% of the text. The text to be removed would be the 'paraphrased text' and the reference list entries to author A's work.

The concerns raised by author A to validate the removal of their text from the published work are that although the name of author A lies buried in the sections where phrases, sentences, and whole paragraphs have been lifted from their work, the actual passages lifted are not marked as quotations (by quotation marks, indentation or in any other way); the impression therefore is that the lifted passages are at best, author B own words, or at worse, author B is paraphrasing the words of author A. But neither is true. These are whole passages lifted from the work of author A. An internet search of the words contained in author A's work will wrongfully and fraudulently show up as belonging to author B.

Questions for the Forum

1. How can the publisher correct the publication record in this instance?
2. Should the publisher retract the paper or publish a corrigendum?

Advice

The Forum advised that it is important where the overlap or plagiarism occurred in the article. If the verbatim text is in the results section or directly affects the findings of the paper, then retraction might be necessary. However, if the copied text is in the introduction or methods sections, for example, then a corrigendum might be more appropriate.

The journal should decide if this is a case of plagiarism and deal with it appropriately. The editor may wish to consult the COPE flowchart on how to deal with plagiarism in a published paper.

Follow-up

The Editor decided, after considering the Forum's guidance, to retract the published manuscript. A retraction notice will be published shortly.