



Forum agenda
Meeting to be held on Tuesday 2 June 2020
4-5.30pm British Summer Time
By webinar

- 1. Update on COPE activities by the Chair**
- 2. Forum discussion: What peer review means in the arts, humanities and social sciences**
- 3. New cases**
 - 20-05 Is approval needed for a social media survey?**
 - 20-06 Ethics approval for survey design**
 - 20-07 Author admits failure to credit other authors**
 - 20-08 Author displays bullying behaviour towards handling editor**
- 4. Updates**
 - 20-01 Institution refuses to investigate scientific issues**
 - 20-02 Institution wants to retract despite ongoing legal proceedings**

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2. FORUM DISCUSSION: What peer review means in the arts, humanities and social sciences

<https://publicationethics.org/what-peer-review-means-arts-humanities-and-social-sciences-forum-discussion-topic-june-2020>

Are there differences in gender and diversity issues in these disciplines in peer review from others?

Introduction

The focus at the Forum will primarily be on the humanities and social sciences (HSS). Arts disciplines overlap with humanities somewhat although they also include fine arts and music with juried research and performance which is understudied in terms of publication ethics. Inclusion of the fine and performing arts is critically important but the breadth of trying to cover all of these fields in this Forum needs narrowing because of the time limitations.

What are the issues?

In the recent study by COPE in collaboration with Taylor & Francis on the arts, humanities and social science (AHSS) disciplines, respondents focused on a number of language, quality, diversity and inclusivity issues. In terms of the most frequently identified issues, these were:

1. Addressing language and writing quality barriers while remaining inclusive
2. Issues around the way in which authors receive and respond to criticism
3. Detecting plagiarism and poor attribution standards
4. Issues handling responses from reviewers to authors
5. Issues of self-plagiarism
6. Difficulties in upholding anonymity to authors and/or reviewers during peer review
7. Recognising and dealing with bias in reviewer comments
8. Assuring fair representation of new voices and diverse perspectives
9. Potential conflict of interest between authors and reviewers
10. Managing complaints and appeals

Also, there have been a number of ‘identity politics’ controversies which have raised issues of diversity around who can author articles on diversity topics, who can do some types of research on diversity topics, who can appropriately review such research and who among editors can accept or reject such articles. The recent [hoax article problem](#) with respect to fake articles on diversity, inclusivity and identity politics also challenged the merit, quality and legitimacy of the scope and standards of some types of journals, including those that publish feminist scholarship. Recently, this issue was raised again with respect to a [study of Ebola in the Congo](#) which was published with no Congolese co-authors. Other issues may have reference to dissimilarities with respect to disciplinary publication patterns and with the importance or lack of importance of matters such as citation and citation frequency.

As noted by [Mudditt and Wulf \(2016\)](#) and [Denbo \(2020\)](#) in articles in the Scholarly Kitchen, HSS disciplines are very dissimilar from STEM disciplines. As Mudditt and Wulf state, with respect to articles in HSS fields “many if not most, HSS fields are ‘book fields’, disciplines in which scholars typically publish their most significant work is book form rather than journal articles...[and] HSS articles tend to be much longer...and HSS tend to publish a small percentage of submissions”.

Questions

1. How should editors, publishers and COPE respond to the differences among AHSS journals compared with STEM disciplines?
2. What mechanisms might be introduced to deal with language quality and inclusivity matters?
3. Are standards of expertise different when addressing certain topics that have social, gender, transgender, race and ethnicity involved in the research?
4. Are some topics off limits for some researchers?
5. Whose problem is this?

References

Denbo S (2 March 2020). Guest post – Open peer review in the humanities. The Scholarly Kitchen. <https://scholarlykitchen.sspnet.org/2020/03/04>

Mudditt A, Wulf K (21 September 2016). Peer review in the humanities and social sciences: if it ain't broke don't fix it? The Scholarly Kitchen. <https://scholarlykitchen.sspnet.org/2016/09/21/>

3. NEW CASES

20-05 Is approval needed for a social media survey?

An author has contacted the journal enquiring about the need for institutional review board approval for a survey. The survey is not derived from a specific institution but rather out of the personal interest of the author(s) who are targeting a point of wide scientific interest. The authors have a broad reach in social media.

The topic is of significant interest to the field, and there is a high potential for publication once the data are gathered and analysed. There are no patient data involved or publicised.

Question(s) for the COPE Forum

- What is the policy on institutional review board approval for social media surveys or research?

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 our 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.

Question(s) for the COPE Forum

- 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.

20-07 Author admits failure to credit other authors

An author submitted a manuscript and stated that he was the sole author. The manuscript received a favourable peer review and eventually was accepted. Some time after the article was published, a co-author told the author to contact the journal to correct the author list. The author of record (AOR) did this, and supplied co-author names to the journal.

The editor worked with the author group to determine the source of the error and to resolve the list and order of authors. The AOR acknowledged that he should have credited additional authors. All authors agreed with the corrected list of authors, but the AOR insisted on being the first author and the other authors did not agree.

Pursuant to COPE guidelines, the editor contacted the university of the AOR for assistance and found that the author had left and was now a resident of another country. The university was unable to assist in resolving the authorship issue. The AOR then contacted the journal and stated that due to disagreement on the order of authorship, he was requesting a retraction of the article.

One more attempt was made by the editor and a co-author to resolve the dispute, but the AOR refused to acknowledge any other lead author. However, the AOR agreed that, following retraction, the manuscript could be resubmitted with another lead author. Attempts to negotiate another solution and education about the consequences of retraction have been unsuccessful in resolving the problem.

Question(s) for the COPE Forum

- Are there any remaining options other than retraction?
- What is the recommendation should the authors wish to resubmit to the same journal, as has been expressed?
- Aside from the existing extensive author guidelines required by the journal, is there another way to prevent this in the future?
- What other steps should be taken to address the authors in the case?

20-08 Author displays bullying behaviour towards handling editor

A handling editor rejected a paper without review, after consulting with a senior editor. The corresponding author sent an appeal about 2 weeks later where he requested that the paper be given a second chance and be sent for peer review. He added that, in case of a new decision to reject without review, the editor should provide a detailed response to a number of questions and comments raised in the appeal letter. He also mentioned that, in order to illustrate the importance of the study, he had done a social media poll asking whether the paper in question was more relevant to the journal's readership than another paper whose link he provided in the poll and that had recently been published in the journal. The appeal was also read by another senior editor and it was agreed to reject the paper again without providing any detailed explanations as the behaviour was considered borderline bullying.

Three weeks after the second rejection, the corresponding author contacted the journal expressing his disappointment with the decision and threatened a freedom of information request to access the correspondence between the editors that led to the editorial decision. Moreover, he suggested he would be writing about his negative experience with the journal.

The handling editor perceived this as aggressive and litigious behaviour and shared the correspondence with the head of the research section of the journal, who responded to the author and copied the senior author in the correspondence. The senior author responded by acknowledging the inappropriate behaviour of the author and promising to take action internally.

Question(s) for the COPE Forum

- Did the journal handle the case appropriately?
- Could something else or something different have been done?
- How can this type of situation be prevented?

4. UPDATES

20-01 Institution refuses to investigate scientific issues

A publisher was alerted to possible issues with band duplication in an article (more than 10 years old) by a reader. The corresponding author was contacted to resolve the issue. The author was unable to provide a satisfactory explanation for the bands, and because of the age of the article, the original data were no longer available. The institution was asked to investigate; a summary of the case was provided and the similarities in the bands using an open source tool were highlighted.

When the publisher received a copy of the investigatory committee's report, it was clear that the institution had focused on the use of the software tool exclusively. The institution concluded that the software was not a validated tool, and so there was no basis for concluding that the blots in question were duplicated or improperly altered. The contact person also stated that it was not the institution's place to comment on whether the data in the publication were sound and trustworthy.

The publisher pointed out that the software was not used to detect problems with the paper—it was simply a tool to provide a visual demonstration of the similarities between the blots. The publisher stated that they would have raised this issue regardless of whether the tool was available. They explained their expectation and experience that institutions initiate inquiries into potential ethics cases raised by journals and comment specifically on whether the conclusions are still sound. The publisher asked again that the committee investigate the scientific issues raised about this paper; the institution declined.

Next step being considered are sending the paper to one of publisher's editors who has relevant scientific expertise, or to an independent adviser, asking them to advise on whether the conclusions are still supported if the blots in question are unreliable. The publisher is also considering sending the paper to an independent ethics expert to verify that there are potential problems with the blots.

If it can be verified independently that there are potential problems with the blots, there are two courses of action: (1) if the adviser finds that the conclusions are still sound, issue an expression of concern/publisher's note highlighting the specific blots and detailing the steps taken so that readers can make their own decision about the data; (2) if our adviser finds that the conclusions are not sound, retract the paper. The publisher would tell the institution the route they plan to take.

Question(s) for the COPE Forum

- Are the publisher's plans reasonable, or is there a better course of action?
- Regardless of whether an expression of concern/publisher's note is published, or the paper is retracted, is it reasonable to quote from the report of the institution so that readers know the institution refused to investigate?
- Should the publisher consider contacting the relevant funding agencies?

Advice

The Forum suggested that if an institution is not willing or unable to investigate, one potential option might be to contact the original funders listed in the paper, or to contact any regional integrity offices, if these exist.

COPE's retraction guidelines state "When editors or journals have credible grounds to suspect misconduct, this should be brought to the attention of the authors' institutions as early as possible, but the decision to correct or retract an article should be made by the journal and does not necessarily depend on an institutional finding of misconduct." This scenario is common—often institutions do not conduct investigations or do not provide a definitive answer to questions raised by the journal.

If the editor feels that the data are unreliable or might be misleading, then the paper should be retracted. Getting further expert opinion to support the concerns of the editor is good practice. If the editor decides to retract, the retraction notice should explain why the journal believes that the findings are unreliable. The editor should inform the institution and the authors in advance, with the wording of the notice, and give them a chance to respond.

However, if the editor is uncertain of the integrity or the data or cannot resolve the concerns because the data are not available, then an expression of concern could be published, which could change to a retraction if the institution confirms there has been misconduct. The institution would need to investigate further. The expression of concern could state that the institution has been contacted but that the concerns have not been resolved.

Another option might be to ask the reader who brought up the issue to write a commentary and allow others to dig deeper into the issue.

In general, journals or publishers cannot always depend on an institution when deciding whether or not to retract an article because standards differ across institution. A journal needs to adhere to its own policies and not necessarily to what the institute thinks is appropriate.

Follow up

The editor prepared an expression of concern for publication in the journal and is awaiting the authors' agreement on the wording.

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 (EoC) 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.

Question(s) for the COPE Forum

- 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)?
- 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?
- 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 acknowledge 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.