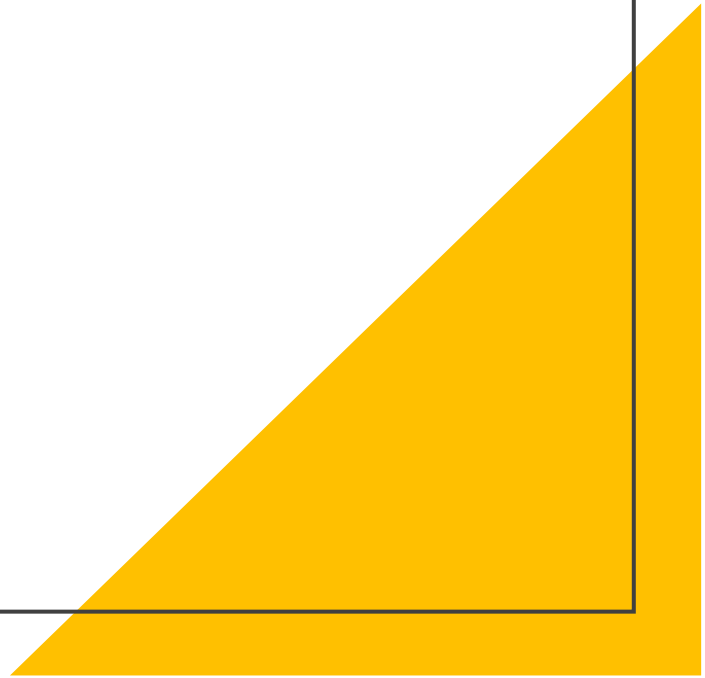


# COPE Forum Discussion: Author “Behavioural Misconduct”

December 2022





# What is “behavioural misconduct”

- *“harmful or criminal actions by authors or others that do not primarily concern the integrity of the research itself, but which may nevertheless impact the research and publication processes, or the perceptions of the integrity of the individual and their works”*
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# Is “behavioural misconduct” research misconduct?

## Traditionally treated as a separate issue

- Professional ethics
- Employment or membership policies and procedures
- Criminal justice system

## But some say yes (or maybe):

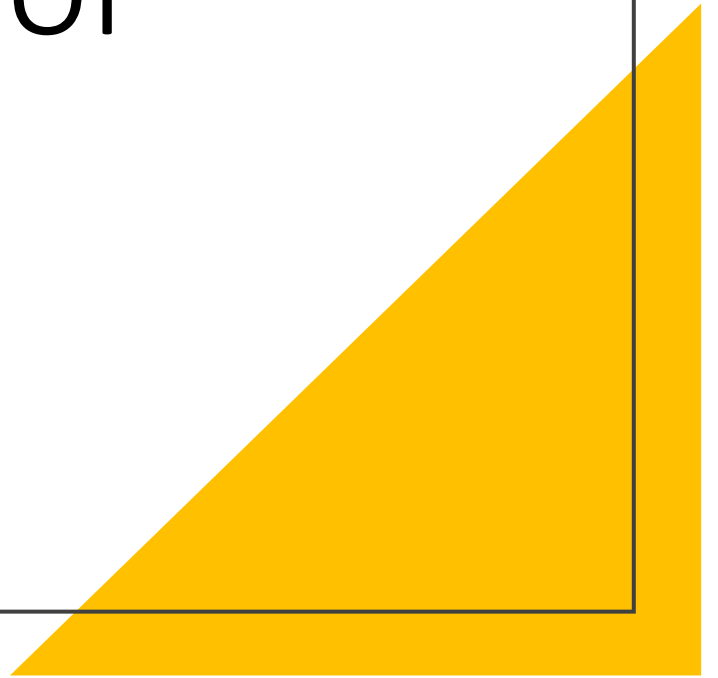
- Sexual harassment arguably breaches 3 of 4 legally enforceable ethical standards for the conduct of research (in USA) ([Resnik, 2019](#))
- Mistreatment of people damages research and the research process ([Marín-Spiotta, 2018](#))
- AGU defines harassment, bullying and discrimination as forms of scientific misconduct ([Kuo, 2017](#), [McPhaden, Gunderson and Williams, 2017](#))
- None refer to crimes - only bullying, harassment and discrimination

# Live Poll 1

- Do you think “behavioural misconduct” should be considered a form of research misconduct?

*“harmful or criminal actions by authors or others that do not primarily concern the integrity of the research itself, but which may nevertheless impact the research and publication processes, or the perceptions of the integrity of the individual and their works”*

What might this mean for  
publication ethics?



# Scenario 1: ABM as research misconduct

- When (if ever) does “behavioural misconduct” become a publication ethics issue?
- Who would be responsible for investigating such allegations?
- Is there a difference between an accusation and a conviction?
- How, or on what grounds, would a meaningful link be proven or disproven between the content and the alleged action?
- When would historic ABM allegations or convictions cease to be relevant or “expire”?

# Scenario 2: ABM as separate

- How should journals/editors handle conflicting policies?

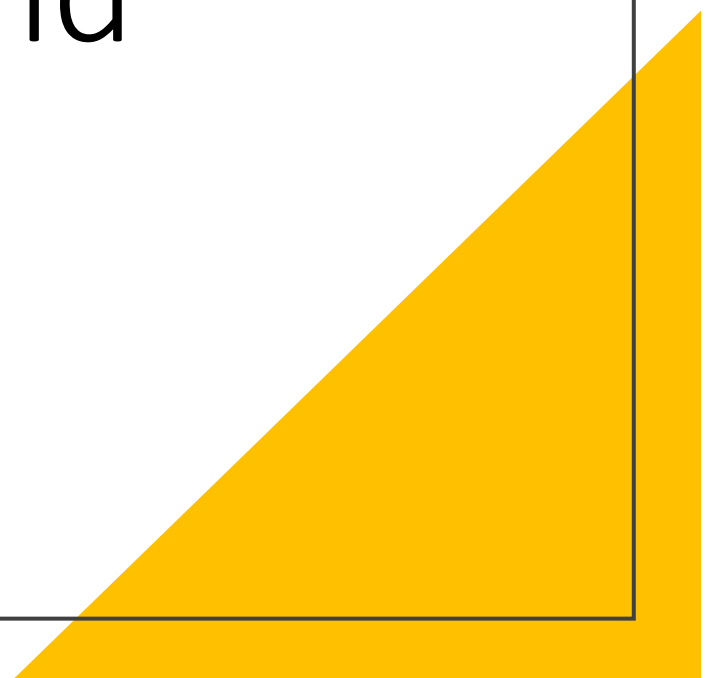
Scholarly society sanction that accused cannot participate in any society activity (including publication)	Journal and COPE advice to avoid author sanctions, legal risks associated with sanctions
Institution bars accused from co-authorship / co-authors refuse to be listed alongside an accused author	Journal policy states all who meet authorship criteria should be listed
Author refuses to cite work of accused author	Citation is critically relevant to work
Prevention of harm	Journal principles to avoid ideological censorship and bias, and uphold academic freedom
Reputational, legal or safety concerns of journal/society publisher	Editorial independence

# Live Poll 2

- What do you think the role of journal editors should be when receiving ABM allegations?
  - A. Referring complainant to another appropriate authority for investigation or support
  - B. Assessing nature of the issue and, if clear impact on content, seeking confirmation of guilt from another party before issuing an appropriate notice or other action.
  - C. Acting in the interests of preserving the journal's reputation and reflecting the approach or attitudes of the journal's community, regardless of connection to content.
  - D. It depends/something else



# COPE Working Group and next steps





# Why have COPE formed a working group?

- It's increasingly perceived as publication ethics issue, whether we consider it to be one or not.
  - Allegations often intersect or conflict with existing policies
  - Cases referred to Forum and Council increasingly include allegations of this nature
  - There are some situations where:
    - author/researcher conduct has a direct impact on research ethics and integrity
    - researcher conduct has a direct impact on the publishing process (e.g. actions of editors, reviewers)
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# Working Group involvement so far

- Jennifer Wright (COPE; Cambridge University Press)
  - Deborah Poff (COPE; Brandon University)
  - Rachel Safer (Oxford University Press)
  - Sarah Bangs and Renee Hoch (PLOS)
  - Paul Goode (EiC *Communist and Post-Communist Studies*; Carleton University)
  - Helen Hardy (Cambridge University Press)
  - Laura Wilson and Sabina Alam (Taylor & Francis)
  - COPE team
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# Survey results: common themes

Theme	Responses
Guidance need	Many respondents agreed guidance would be useful
Proof/fairness	Many comments noted that having a <b>fair process for all involved</b> and <b>evidence/proof</b> were important....but many also noted that <b>publishers should not be the ones to investigate</b> and/or act
Publisher harassment by authors	An unexpected theme – many respondents felt that a big issue was <b>authors harassing publishers/editors/journals</b> including spurious racism allegations, harassment and bullying. Some queried whether <b>sanctions</b> could or should apply to these authors.
No action	Many respondents felt that <b>no action</b> should be taken by publishers/journals – behavioural misconduct was <b>a separate issue</b> that was not within the <b>remit of journals or publishers</b> to act on, that doing so introduced very real risks to publishing, and it was the <b>role of other systems (e.g. criminal justice, institutions/employers/funders)</b> to act...On the other hand, some were concerned that the <b>appearance of indifference</b> was damaging to reputation and possibly to victims' wellbeing.
Ideological censorship	Many respondents were concerned with the <b>viewpoints or opinions</b> of authors leading to censorship by journals.
Legal aspects	Many respondents felt the <b>legal implications</b> of managing these cases were the hardest part, and that <b>advice on this would be welcomed</b>
Link between content and behaviour	Some respondents felt like it was important whether there was a <b>link between the behaviour and the content or not</b> (and how such a link might be determined)

# What next?

- Focusing on publishing a **discussion document** in 2023, outlining the issues and how they intersect with publication ethics
- Follow COPE trajectory for assessing whether further guidance/update to guidance needed
- Would like to hear from members about
  - existing policies, guidance, or approaches
  - Interest in joining the working group (particularly representation from university members, non North America-UK membership, journal editor (ideally STM discipline))

# Forum Discussion Questions

1. Should “behavioural misconduct” be considered a form of research misconduct? If so, what responsibility (if any) might editors and publishers have to investigate, and what evidence might be required to act? If not, who should investigate, and how might editors and publishers interact with this process (if at all)?
2. Should these issues be considered manifestations of existing publication ethics frameworks and treated as such? For example, a co-author seeking removal from an article would be treated as an authorship dispute and handled accordingly. A reviewer refusing to review would be deemed to have a COI/should decline the review given an objective review is unlikely?
3. Is it relevant whether or not there is a topical link to the content? If so, how, and on what basis, might such a link be confirmed or denied?

# Some blog posts/further reading

- [Retraction Watch: Scientific misconduct and sexual harassment: Similar problems with similar solutions?](#)
- [What to do with the predator in your bibliography?](#)
- [Retraction Watch: Should journals retract when an author is sent to prison for a crime unrelated to their work?](#)
- [Retraction Watch: Should a murderer be allowed to publish scientific papers?](#)