

Sharing of Information Among Editors-in-Chief Regarding Possible Misconduct

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Introduction

This guidance has been drafted following a COPE Discussion Forum (4 September 2013, <http://tinyurl.com/pn43bxk>) and Discussion Document (February 2014, <http://tinyurl.com/lqag4uh>) on the subject, and it was initiated in the wake of a number of high-profile cases of research misconduct in which the sharing of information between the relevant editors-in-chief (EiCs) was crucial to the final settlement of the cases¹.

Background

Sharing of information among EiCs regarding cases of suspected misconduct can play a significant role in preserving the integrity of the scientific record, allowing EiCs of affected journals to conduct investigations with greater efficiency and effectiveness. Benefits include the ability for EiCs to:

- compare different versions of the same work submitted to different journals.
- compare the explanations provided by investigators/authors to questions resulting from concerns over submitted work.
- collaborate and share effort in investigating cases of suspected misconduct.
- work together when approaching investigators/authors and/or their institutions.

Such a joint approach to suspected cases may lead to faster resolution of investigations, as well as strengthen the pursuit of those where further investigation is warranted.

Notwithstanding these advantages, it must be acknowledged that confidential treatment of author submissions is a fundamental aspect of scientific publishing, and sharing of information concerning a specific journal submission with individuals who are outside the journal's review process is inimical to the principles of confidentiality³.

Further, there is a concern that sharing of information among EiCs regarding possible misconduct presents the risk of undue exposure, unwarranted rejection of papers, or other reputational harm to authors, particularly in cases where the suspicion may ultimately prove to be unfounded. In addition, it is not uncommon for authors in such cases to allege defamation, and in extreme cases such allegations could potentially give rise to legal action.

The following guidance from COPE is not intended to serve as a legal opinion, nor should it be construed as affording legal protection against such claims; however, it is hoped that this guideline reflects 'best practices' in terms of responsible actions on the part of EiCs and publishers.

Guidance

1. In view of the importance of confidentiality in the scientific publishing process, COPE believes that sharing of information between EICs should only be undertaken when the disclosing EIC feels that such sharing is a necessary part of fulfilling the EIC's obligation to prevent and respond to suspected research misconduct.
2. EICs should make all initial enquiries in suspected cases according to COPE guidance/flowcharts, without sharing of information (unless there is a reliable indication of an issue beyond just one journal). Information should only be shared if there is no response from the author, the response is inadequate, or more than one journal is thought to be affected.
3. If sharing of information is necessary, disclosure should be made to only those EICs who the disclosing EIC believes may have information that is pertinent to the case, and the amount of information should be limited to the minimum required.
4. Information shared should be restricted to factual content only, avoiding conjecture, supposition, or inference. It is recommended that the disclosing EIC include a statement that the information provided does not indicate a judgment of wrongdoing, but is merely intended to alert EICs in case they have other information that might assist the handling of this case – including to exonerate the investigator/author in question.
5. Communications should be made in such a manner as to preserve confidentiality to the fullest extent possible. While the use of email is an appropriate way of communicating, given the practical difficulties of face-to-face and telephone conversations between EICs in different time zones, EICs should take steps to ensure that the recipients are aware of the sensitive nature of the disclosure. Such steps may include adding the word 'confidential' to the subject of emails, and including a rider/disclaimer to the text to the effect that such communication should be treated as such, and not forwarded beyond the initial circulation list without permission.
6. All journals should alert authors to the potential for such sharing of information by including a clear statement in their Guidance for Authors that material will be handled in confidence except for the purposes of review AND in order to investigate possible misconduct.
7. While these guidelines are primarily designed to address unpublished submissions, COPE believes that there is no difference between sharing information about a submitted (but as yet unpublished) manuscript and a published article, other than the fact that data in the latter are in the public domain. Accordingly, EICs should follow the same guidelines when sharing information regarding possible misconduct in a published paper.

References

1. [http://onlinelibrary.wiley.com/journal/10.1111/\(ISSN\)1365-2044/homepage/-_research_misconduct.htm](http://onlinelibrary.wiley.com/journal/10.1111/(ISSN)1365-2044/homepage/-_research_misconduct.htm) – a list of links to both general discussions of the issues and specific items about the Boldt and Fujii cases, in which collaboration between EiCs led to the publication of joint EiC letters that were central to the resolution of the cases.
2. [http://onlinelibrary.wiley.com/store/10.1111/\(ISSN\)13652044/asset/homepages/Joint_Editorial_Statement__12_Mar_2011.pdf?v=1&s=5da1949225bce7beb97c395ab572d64279d84a31&isAguDoi=false](http://onlinelibrary.wiley.com/store/10.1111/(ISSN)13652044/asset/homepages/Joint_Editorial_Statement__12_Mar_2011.pdf?v=1&s=5da1949225bce7beb97c395ab572d64279d84a31&isAguDoi=false)
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[http://onlinelibrary.wiley.com/store/10.1111/\(ISSN\)1365-2044/asset/homepages/Fujii_Joint_EiC_letter_to_institutions_April_9.pdf?v=1&s=314f66742edb10d5399ab2e31712de1aaefc15f8&isAguDoi=false](http://onlinelibrary.wiley.com/store/10.1111/(ISSN)1365-2044/asset/homepages/Fujii_Joint_EiC_letter_to_institutions_April_9.pdf?v=1&s=314f66742edb10d5399ab2e31712de1aaefc15f8&isAguDoi=false) – the joint EiC letters referred to above.
3. COPE. Code of conduct and best practice guidelines for journal editors.
http://publicationethics.org/files/Code_of_conduct_for_journal_editors_1.pdf.

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