

Transparency vs Confidentiality: Perspectives from the Various Stakeholders in Dealing with Allegations of Research Misconduct

OSU Research Summit

By

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COPE's History is Consistent with the Contemporary Evolution of Treatment of Research Integrity/Publication Ethics

- In 1997, COPE began as an informal small, self-help group of editors in the Bio-medical sciences
- From humble beginnings with 3 biomedical journal editors, 21 years later COPE currently has a membership of over 12, 000 members in over 100 countries

What are we and Who are we?

- COPE is a membership organization. Our members are primarily editors of journals and publishers although we are currently exploring expanding our membership. Part of this potential expansion is being explored with a pilot project with 6 universities and institutes around the world, including Ohio State University.
- As an organization, COPE's role is to assist editors of scholarly journals and publishers in their endeavour to preserve and promote the integrity of the scholarly record through policies and practices that reflect the current best principles of transparency as well as integrity.
- COPE operates, manages and governs the organization with a small group of paid employees and a large group of very active volunteers who serve on the trustee board and council. Our Council and Board include academic editors and professional publishers.

How Do We Serve our members?

- CASE database – All of the cases that COPE has discussed since its inception in 1997 have been entered into a searchable data base. This database now contains over 500 cases together with the advice given by COPE.
- Codes of Conduct and Best Practice Guidelines, including Code of Conduct and Best Practice Guidelines for Journal Editors and for Journal Publishers.
- Flowcharts – all flowcharts are available in English and have been translated into many other languages and are stepwise guides if you suspect a range of alleged violations of publication ethics including redundant publications, plagiarism, fabricated data, changes in authorship, ghost, guest or gift authorship, undisclosed conflict of interest, wrong-doing by reviewers, etc.

- General guidelines and principles documents, such as, Principles of Transparency and Best Practice in Scholarly Publishing, guides for ethical editing for new editors, guidelines for retracting articles
- Discussion documents, such as, “who owns peer reviews? which involves a recently evolving set of issues; what constitutes authorship; handlings competing interests and a recent discussion of best practice in theses publishing, etc.
- We also offer webinars on timely subjects and issues as well as periodic forums of topics of particular concern to our editors and publishers and face to face seminars. We ran one such seminar in Beijing in March of this year on “The Pillars of Publication Ethics with a Focus on peer review, authorship and plagiarism.

- As well we conduct research on our members and their needs, partially as a mechanism for quality assurance in meeting the range of issues from the different disciplines of our members
- One new initiative is developing new resources for the Humanities and Social Science members of COPE, beginning with data gathering through a survey of our members in the Humanities and Social Sciences to further identify gaps in our resources for these members
- We also provide resources and further reading for our members

Our Core Practices: A New Approach

- Given the complexity and sheer volume of information that COPE provides to its members and to many individuals and groups in the broader community, COPE has recently restructured and simplified its approach to issues and allegations of violations of publication ethics. All materials and resources are now available for accessing under 10 broadly based “core practices.” All materials related to each of the 10 core practices can be accessed simply by clicking on those individual category of practices

Ten Core Practices: One stop Shopping

1. Allegations of Misconduct
2. Authorship and Contributorship
3. Complaints and Appeals
4. Conflicts of Interest/Competing Interests
5. Data and Reproducibility
6. Ethical Oversight
7. Intellectual Property
8. Journal Management
9. Peer Review Processes
10. Post-publication Discussions and Corrections

Universities, Funders, Researchers, Faculty Associations, Whistleblower and Unions, Editors and Publishers and COPE

The complex landscape of multi-stakeholders in allegations of misconduct.

The Chandra case. I believe that I have the details straight but this complex and convoluted history of fraud and deception is challenging to keep straight.

Highlights

1. 26 years after publishing a paper by Dr. Chandra, a 1989 BMJ paper is retracted. In the editorial about the issue in the journal, then EIC calls the circumstances a failure of university governance.
2. After a 1992 a Chandra research assistant and whistleblower contacts Memorial University and alleges that an article and abstract of a study were published by Chandra prior to her recruiting subjects for the study, the university conducts an internal investigation from 1994-95. The conclusion is that scientific misconduct has occurred including the following:

- At least two studies that were published in Annals of Allergy and Journal of Clinical Nutrition where the research was never conducted
- Where there was data, it was partially created and manipulated
- Co-authors knew little or nothing of what was in the articles of which they were co-authors
- Post-docs were not supervised or trained
- Chandra created his own vitamin supplement company and did not declare conflict of interest
- Chandra's practice once a study was published was to throw away the files and raw data

- Computers were not used to handle data
- February 6, 1986 Chandra submits journal article for completed study prior to submitting a proposal to conduct this same study to the ethics review committee on February 20, 1986

Following the filing of the 1995 report, it appears that nothing was done to sanction Dr. Chandra

Factors identified as reasons for confidentiality in conducting the study

1. Dr. Chandra's reputation. Dr. Chandra published over 200 articles, was heavily cited (388 times for just one article). He received the Order of Canada in 1989. He was twice nominated for the Nobel prize.
2. Potential impact on the larger scientific community at MUN.
3. Procedural fairness. Confidentiality necessary to protect the process.

All is quiet until....

- 2000 study on reversal of memory loss after consuming Chandra's patented multivitamins is rejected by BMJ as having "all the hallmarks of being totally invented." (later published in Nutrition 2001, cited 357 times). BMJ contacts MUN and asked for investigation. MUN investigated and asked Chandra to produce raw data. Chandra claimed that the university had lost data and resigned in 2002.
- 2000 divorce proceedings, estimated he had misappropriated \$2 million in research funds and stashed in foreign bank accounts in Switzerland and India.
- 2006, CBC does 3 part documentary on Chandra. 2011 Chandra sues CBC for \$132 million for defamation. 2015 case dismissed because it was true and Chandra ordered to pay \$1.6 million dollars in CBC court costs.

- 1995 internal investigation becomes public during legal case and BMJ has access to the report and retracts the 1989 article calling MUN's actions "a failure of university governance."
- Postscript: 2012-16, Chandra practices medicine in Ontario and falsely bills the public health care system for \$2 million. Warrants out for his arrest. 2017, Royal College of Physicians and Surgeons in Ontario suspends his medical license.

Editor's Perspective/COPE Perspective

COPE's recommendation for Editorial Practice in allegations of wrong-doing

1. Contact author(s). Share concern or allegation and ask for response and explanation from author(s). If a reasonable explanation is given and it is an honest mistake, then depending on the level of error, Editors should either correct the record with a corrigendum if minor and without implications for the result or retract the article if the error is significant, substantive and impacts the results of the study. Retractions generally involves additional peer review from specialists, such as, statisticians, epidemiologists. Such reviews were basis for BMJ's rejection of Chandra's 2000 paper. Principles of Natural Justice should be respected. COPE's position is independent of assessing wrong doing and the emphasis is placed on correcting the scientific record.
2. Contact institution if this is not a case of honest mistake but a significant and substantive allegation of wrong-doing. Editor requests university undertake investigation and send conclusion to the editor. Depending on the evidence, Editors will post an expression of concern pending university inquiry or retraction, if the evidence is overwhelming the article will be retracted prior to and independent of the university investigation. COPE and Editors' perspective is that it is **the employer's responsibility to investigate allegations of wrong-doing and not the Editors.**
3. Editors expect timely response from university concerning the outcome of the investigation.

Editor's issues

- Editors post expression of concern and await outcome of university inquiry
 1. Even when university does report outcome of inquiry to editor, investigation may take 18 months-2 years.
 2. Interim expression of concern for detailed period frequently brings criticism of journal/editors for not making definitive determination. Authors uncertain about status of citations of article in question.
 3. Frequently, universities never contact editors about findings of investigation.

University Perspective

1. Reputation of faculty member(s) are at stake. Confidentiality is necessary for fair investigation.
2. Principles of natural justice must be respected in fairly conducted investigations.
3. Reputation of university may also be at stake.
4. Funders may impose sanctions on university if good governance and accountability is called into question. Certainly, MUN was seen by many as failing in governance and oversight.
5. There may be a Faculty Union with a ratified collective agreement which dictates disciplinary procedures, including the right to representation at all stages.
6. Faculty member may seek independent legal solution to allegations.
7. Conclusion may involve discipline without of findings or actions.
8. University has no binding obligation to inform editors/journal of findings.

Whistle-Blower's Perspective

- Working on soft money so not a university employee, university takes no responsibility for well-being of whistle-blower (in 2014 establishes an ethics award in her name).
- Threatened and sued by Chandra.

Funder

1. My understanding is that ORI does not want author(s) to be directly and initially contacted. Gives wrong-doers heads up to cover their tracks.
2. Accountability and good governance is critical. University is responsible for oversight of all research dollars, even when those funds come from private sources.
3. Research universities also receive public research dollars and there is a legal and moral trust requirement to provide proper oversight.
4. Human participant research, in particular, must protect human subjects of research.

Faculty Union (or Association)

1. It is the union's legal responsibility and duty to represent the faculty member.
2. This includes the right to representation for the faculty member (often the faculty grievance officer).
3. The union must protect and insure that procedures outlined in the collective agreement and make sure that the agreement process and procedure is not violated by the administration.

Faculty Member

1. Desire to keep job.
2. Desire to keep reputation.
3. Need to keep allegations confidential. Need to protect professional future.
4. If found guilty, need to get the best deal possible.
5. Worried that retraction implies guilt and career devastation even when errors were honest mistakes.

Common Ground – A Principle-based Approach for All Stakeholders

1. Common commitment to research integrity, promoting research and the dissemination of knowledge and protection of the public trust.
2. And, here is where we come together. Separate spheres of responsibility have to establish mechanisms for a rapprochement and coordinated response.
3. All stakeholders (except perhaps for the guilty) share a commitment to the academic enterprise which is research, teaching of research and knowledge and dissemination of research for the common good.
4. Silo approaches do not work!

No easy solution

And here is my plug for COPE and similar strategies by other stakeholders. We want universities, funders and journals/editors to work together to support our common commitment to research integrity and the public trust to create new knowledge for the common good.

COPE's approach is to do what we do best in accordance with service to our members, namely mediate and collaborate on behalf of those engaged in the project. To date, those members are editors and publishers. Our experiment is to engage universities as members and collaborators too. Future discussion with funders is part of our future plans.

Thanks for your attention.

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Check out our website for more information about the Committee on
Publication Ethics