

Report of the ombudsman–ethicist, 2002

John B. Dossetor

A new chapter for *CMAJ* opened with the initiation of the position of ombudsman and ethicist in May 2002.¹ The duties of the position were defined as consisting of 2 types of activity:

1. As ombudsman, investigating “complaints from readers, authors, reviewers, journalists (and others) with regard [to] alleged unfair treatment or behaviour of *CMAJ* editors or staff,” and
2. As ethicist, providing “help [to] the editors when they are confronted with ethical issues resulting from their interactions with authors and reviewers.”

I am happy to report that in my first year in this dual role there have been few occasions on which the opinion of the ombudsman–ethicist was required. Journal readers may find of some interest the cases that required my involvement, and I summarize them in this report, omitting certain details to preserve the privacy of those involved. But first it seems necessary to outline the scope of the evolving field of contemporary publication ethics.

The literature contains several authoritative statements on publication ethics. Areas of concern to a journal ombudsman include:

- questions of authorship, especially when multiple contributors are involved
- competing interests, especially with regard to funding sources
- duplicate or redundant publication
- plagiarism of data or ideas
- study approval by an ethics review board (if human subjects are involved)
- informed consent by study participants
- responsibility of editors to authors, including access to appeal or referral to the ombudsman
- responsibility of reviewers to both editors and authors.

The responsibilities of the ombudsman do not include scrutinizing methodology, results or the interpretation of results. Such scrutiny is the responsibility of reviewers at various other levels, such as the researchers’ funding agency, academic institution and professional colleagues, as well as of the peer reviewers whose opinion is sought by journal editors.

It is important to recognize that many agencies have a role in safeguarding the integrity of research and of scientific publication. These include government funding agencies (e.g., the Canadian Institutes of Health Research and the Research Councils); funding sources within industry; professional organizations at the regional, provincial and

federal levels; and the individual researchers’ institutions. All of these stakeholders differ in their authority and in their power to act. The primary duty of medical journal editors is to determine the suitability of submissions for publication, but they occasionally have the duty to refer concerns about possible ethical misconduct to a researcher’s sponsoring institution.

For the interested reader the *CMAJ* Web site gives ready access to some important documents on publication ethics (see www.cmaj.ca/misc/ethics/reading.shtml). These include the *Uniform Requirements for Manuscripts Submitted to Biomedical Journals*, 2 annual reports of the *BMJ* Committee on Publication Ethics (COPE), and the Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans (1998). Three complaints with regard to specific manuscripts were referred to the ombudsman–ethicist in 2002–3.

1. *Plagiarism alleged, but not substantiated.* After publication of an article in *CMAJ*, a former colleague of the authors wrote to the editor claiming that the basic concept of the study and the survey instrument on which it was based had been plagiarized. The complainant had not been acknowledged in any way, despite — so it was alleged — having conceived the ideas, devised the methodology, and collected and presented some data of a similar kind a year or so earlier. This earlier work had never been published.

After reviewing a response from the study authors and comparing the 2 survey instruments in question, I felt that the ideas were not profound or unique and could have readily occurred to several people independently. Further, the published study contained some important differences in methodology that enabled a more specific focus than in the unpublished work by the unacknowledged colleague, and that could more readily be followed up, in the longer term, if this were thought worth while. I concluded that the published authors had not plagiarized the data, although it was unfortunate that they did not acknowledge the similar, unpublished work.

The editor of *CMAJ* wrote to the authors of the published paper and to their former colleague and appended a copy of my report. No further correspondence was received.

2. *Plagiarism, but with a difference.* This complaint pertained to *Clinical and Investigative Medicine (CIM)*, which is also published by the Canadian Medical Association and is co-edited by *CMAJ*’s editor. In my capacity as ethicist I was asked to consider an allegation made by a peer reviewer of a paper submitted to *CIM* that parts of the paper had been

taken verbatim from another published text. The reviewer documented these passages.

There was no denying that certain parts of the text and some aspects of methodology were identical to that in the previously published source. However, the second study addressed a different research question. Although various brief portions of text had been plagiarized, there was no evidence that any scientific data had been appropriated from the primary source. I deemed it beyond my capability to judge whether there had also been plagiarism of scientific results, and no such allegation had been made.

Several options seemed possible: (1) reject the paper outright; (2) reject the paper on the grounds of the allegation of textual plagiarism; (3) reject the paper while also asking for an explanation for the apparent plagiarism; and (4) reject the paper as in (2), sending the researchers' institution a copy of the rejection letter.

My opinion favoured the second option, provided that further review showed no plagiarism of scientific data. The editors concurred that there was no evidence that data had been plagiarized, and sent the author a rejection letter, explaining the concern about textual plagiarism along with a copy of my report.

3. *Alleged unfairness in reviewing.* An author's submission was reviewed and, although one review deemed that the topic was important and that one part of the discussion was very good, the consensus of the editors was to reject the paper.

The author felt that *CMAJ* had been unfair and requested a second consideration of the paper on the grounds of the favourable comments of one of the external reviewers. This request was granted, but editorial review of a revised manuscript led to the same decision to reject the manuscript. The author still felt the process had been unfair and that the editors had not fully understood the context of the paper, and therefore its importance.

When an appeal for a third review was made, the editors

advised the author to write to the ombudsman. In preparing an opinion I made myself familiar with the details of the editorial review and decision-making process at *CMAJ* and studied the written record of this particular manuscript. Submitted articles are sent to review by experts in the researchers' field — the external review — but all are then reviewed by each of 6 to 8 associate editors on the journal's internal reviewing committee. The final decision for or against publication is made openly in the internal committee meeting. Each of the associate editors is asked to give an opinion on the suitability of the submission for publication and on any need for revision. In the case in question, this process had led to rejection of the paper after it had gone twice through external and internal review.

It was judged that this process is as fair as is feasible, and a decision was made against any further review. Results of this decision were communicated to the author.

This is my first report as *CMAJ*'s ombudsman and ethicist. I am learning about the Journal and about publication ethics. As more authors, reviewers and readers become aware of the office of *CMAJ* ombudsman, it is my hope that they will, if appropriate, write to me with their concerns. We require that any complaint about unfair treatment or behaviour of *CMAJ* editors or staff be addressed first to the editors. If the editors provide an unsatisfactory response I would be very willing to consider the matter.

Dr. Dossetor is Professor Emeritus of Medicine and Bioethics, University of Alberta, Edmonton, Alta. and is the Ombudsman and Ethicist for *CMAJ*. He lives in retirement in Ottawa.

Reference

1. Hoey J, Todkill AM. Complaints and conundrums: an ombudsman-ethicist for *CMAJ* [editorial]. *CMAJ* 2002;166(10):1281-2.

Correspondence to: Dr. John B. Dossetor, 291 First Ave., Ottawa ON K1S 2G7; fax 613 236-4091; jdossca@netscape.net