

Sociology of Health & Illness - Approach to Misconduct

1) Principles

Journals have a particular role in articulating the ethical standards of the research community and in ensuring that additions to knowledge are valid, accurate and obtained by legitimate means. In the pursuit of this goal, editors, reviewers and board members have a joint responsibility to identify cases of possible misconduct, to carry out a fair and transparent preliminary investigation to determine whether a *prima facie* case exists and to refer the matter, where appropriate, to a body with the authority to take disciplinary measures.

- a) Misconduct in publication is the intention to cause others to regard as true that which is not true. This is not solely a question of particular acts or omissions but of the *mens rea*, the objectives, interests and possible illegitimate gains, of the author, editor or reviewer.
- b) Deception may be intentional, the result of reckless disregard for possible consequences or negligent. Each of these circumstances may justify investigations and academic sanctions.

2) Investigating Misconduct

- a) The editors will not simply reject papers that raise questions of misconduct: they are ethically obliged to investigate these.
- b) Investigations must recognise the serious legal and professional implications of an allegation of misconduct and depend upon the strict observance of confidentiality by all those involved.
- c) It is not the responsibility of editors publicly to sanction those committing misconduct, recognising that they do not have the resources to conduct full investigations or the standing to take disciplinary measures. It is, however, their responsibility to co-operate fully with employers, professional associations or national regulatory bodies to ensure that a high standard of scholarly integrity is maintained.

3) Serious Misconduct

- a) This includes but is not restricted to evidence of fraud or fabrication in research results, complete or extensive plagiarism, major breaches of anonymity or confidentiality of data on research participants or other abuse of the rights of human subjects, as identified by reference to the Nuremberg Code or the current edition of the Declaration of Helsinki, or of the abuse of co-authorship, either to include those who have not contributed to the research or to exclude those who have.
- b) Editors, reviewers or readers may identify possible evidence of serious misconduct. In all cases, the first action must be to draw it to the attention of the editorial team in confidence. If the editorial team are compromised, the matter may be referred to the Chair of the Editorial Board.
- c) In consultation with the Chair of the Editorial Board, the editors will determine whether one of their number should be appointed to investigate the matter or whether an independent person should be asked to undertake this in confidence. The investigator may obtain such confidential expert advice as she or he considers appropriate and will submit a full report in confidence to the editors and the Chair of the Editorial Board.
- d) The investigator may conclude that there is no case to answer or that the case does not warrant treatment as serious misconduct and so recommend to the editors. The editors, in consultation with the Chair of the Editorial Board, shall not be bound by this recommendation but must record reasons for their dissent. If there is no case to answer, a paper will be handled in the usual way. If the case is not treated as serious misconduct, it will be dealt with through the process described at 4 below.
- e) The investigator may conclude that there is a *prima facie* case of serious misconduct and so recommend to the editors. The editors, in consultation with the Chair of the Editorial Board, shall not be bound by this recommendation but must record reasons for their dissent.
- f) If it is agreed that there is a *prima facie* case of serious misconduct, the available evidence will be disclosed in confidence to the person against whom the allegation is made, who will then be invited to submit a response. In the light of this response, the editors, in consultation with the Chair of the Editorial Board, will determine whether to forward the whole matter to the persons employer or professional association or to a relevant national regulatory body.

4) Less Serious Misconduct

- a) This includes but is not restricted to redundant publication, minor plagiarism, failure to declare relevant conflicts of interest or inadequate acknowledgement of the contribution of others.
- b) Editors, reviewers or readers may identify possible evidence of less serious misconduct. In all cases, the first action must be to draw it to the attention of the editorial team in confidence. If the editorial team are compromised, the matter may be referred to the Chair of the Editorial Board. Those dealing with the matter must remember that even minor allegations may have serious professional consequences.
- c) In consultation with the Chair of the Editorial Board, the editors will determine whether one of their number should be appointed to investigate the matter or whether an independent person should be asked to undertake this in confidence. The investigator may obtain such confidential expert advice as she or he considers appropriate and will submit a full report in confidence to the editors and the Chair of the Editorial Board.
- d) The investigator may conclude that there is no case to answer and so recommend to the editors. The editors, in consultation with the Chair of the Editorial Board, shall not be bound by this

recommendation but must record reasons for their dissent. If there is no case to answer, a paper will be handled in the usual way.

e) If it is agreed that there is *prima facie* evidence of less serious misconduct, the available evidence will be disclosed in confidence to the person against whom the allegation is made, who will then be invited to submit a response. In the light of this response, the editors, in consultation with the Chair of the Editorial Board, will determine whether some internal sanction may be appropriate.

5) Sanctions

In view of the possible legal implications, sanctions d-h will not be invoked without reference to the publishers and to the Trustees of the Foundation.

- a) A confidential educational letter of explanation to the authors where there seems to be a genuine misunderstandings of the principles of publication ethics.
- b) A confidential letter of reprimand and formal warning about future submissions.
- c) A formal letter in confidence to the relevant head of institution or funding body.
- d) Publication of a notice of redundant publication or plagiarism.
- e) An editorial detailing the misconduct.
- f) Refusal to accept future submissions from an individual, team or institution for a specified period.
- g) Formal withdrawal or retraction of the paper, reported to other editors and indexing services.
- h) Report to an employer, professional association or national regulatory body.