

Specific Inappropriate Acts in the Publication Process

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I. Introduction

A. Definition of "specific inappropriate acts" in the publication process

The author(s) has submitted a manuscript to the American Journal of Obstetrics and Gynecology or has had an article published in the Journal that violates the policies and/or the procedures established by the Journal and may be subject to specified sanctions.

All such manuscripts or articles are categorized under specific headings in this monograph. Under some of the headings various types of manuscripts or articles received or published *in the past* are described in detail in an attempt to be helpful. These would be classified as inappropriate acts after the established policies and procedures of the Journal have been published and authors have had sufficient time to read them. The sanctions to be applied will indicate the seriousness of the violation.

B. What are not to be considered as inappropriate acts

It is essential to list what are not to be considered as inappropriate acts in submitted manuscripts or articles. These are honest mistakes, honest errors, sloppy research reports, and questionable scientific judgment of experimental design and of conclusions of research results. It is the responsibility of the Journal to distinguish between errors and deficiencies of these types and the actual or suspected inappropriate acts in submitted manuscripts or articles.

C. Publication of the policies

The established policies of the Journal will be published annually in the January issue of the Journal. Copies may be made. The Journal will send each reviewer (consultant) the monograph along with the manuscript and our letter requesting him or her to serve as the reviewer. The Publisher and Publisher's legal counsel will receive copies of the monograph. Others with need or interest may obtain a monograph from the Editors.

D. Maintaining records and reporting accusations of inappropriate acts

Each editorial office will record and maintain complete records of each accusation received in writing of a violation of the published policies and procedures of the Journal and each of those detected by the Editors and by reviewers or other consultants. A report of this information plus the status of the action on each accusation will be presented at the annual meeting of the Editors and Publisher. This will permit updating of the policies and procedures annually, if necessary.

E. Elsevier Inc, and Editors' rights

Elsevier Inc, and the Editors reserve the right to amend, supplement, or delete any of the policies and procedures outlined herein at any time. These changes will become active 60 days after their publication.

II. Terminology

The term *inappropriate* acts has been suggested in the past by others, and it is selected by the Journal because it best fulfills our objectives, which are to define each inappropriate act and to publish specific examples of each inappropriate act we have encountered and some that have been or will be reported by others.

III. Specific inappropriate acts in submitted manuscripts or published articles

The inappropriate acts listed are not necessarily all-inclusive and may be amended at any time.

A. Fabrication

Fabrication is the making up (manufacturing) of all or parts of an experiment or clinical data as reported in a submitted or published manuscript in the American Journal of Obstetrics and Gynecology.

Range of sanctions applicable: The author(s) cannot submit a manuscript to the Journal for two years to life.

B. Falsification

Falsification is the false reporting of data, methods, or circumstances in the experiment or study as reported in the submitted manuscript or published article in the American Journal of Obstetrics and Gynecology.

Range of sanctions applicable: The author(s) cannot submit a manuscript to the Journal for two years to life.

C. Plagiarism

Plagiarism is the appropriation of ideas, thoughts, or language of another person and their representation as one's own original work in a submitted manuscript or article published in the American Journal of Obstetrics and Gynecology. The ideas, thoughts, or language that was appropriated may never have been published or was in manuscript form, was printed by an institute for local consumption, or was published in a journal, book, or other medium for public consumption. In the submitted manuscript or published article in the American Journal of Obstetrics and Gynecology there is no notation or mention of the person whose ideas, thoughts, or language was appropriated, and the author fails to provide any information to the Editors regarding these circumstances.

Range of sanctions applicable: The author(s) will receive a letter or reprimand to the author(s) cannot submit a manuscript to the Journal for two years to life.

D. Repetitive publications

1. Duplication of publication. This means the publication of two identical articles. It also means the publication of one article and then the submission of a manuscript to the American Journal of Obstetrics and Gynecology that is identical to the article already published; the author fails to cite a reference for the already published article and does not provide the Editors of the American Journal of Obstetrics and Gynecology with any information on the circumstances of the already published article. This is considered duplicate publication regardless of the language in which the publication occurs or the size of the journal audience as long as it is published for a general audience. (PhD theses are excluded unless they are published in a supplement to a journal or as a monograph).

Range of sanctions applicable: The author(s) cannot submit a manuscript to the Journal for two years to life.

2. Publication of two articles that contain identical information but the information is presented in a different fashion. For example, the data in one article or manuscript are presented in figures, whereas in a second article or manuscript the same data are presented in tables,

which may or may not be cross-referenced. In others there may be changes in format or wording, but the two articles are reports of the identical experiments.

Range of sanctions applicable: The author(s) cannot submit a manuscript to the Journal for two years (least) to life.

3. An author publishes results with data of a single overall experiment and then selects two or more points of the data and produces a manuscript that is published as one or more articles in different journals. All these publications used identical experimental material and methods but contained selected data that were used to draw a conclusion that might differ from that in the original article. Reference to the original article may or may not have been made.

Range of sanctions applicable: The author(s) will receive a letter of reprimand to the author(s) cannot submit a manuscript to the Journal for up to two years.

4. A single study is made, but the author(s) does not report this in a single manuscript. Rather, the author(s) divides the experiment or study into several different portions, submitting these manuscripts to different journals or to the same journal without notifying the Editors of the circumstances, which is contrary to our instructions published in the Information for Authors under the heading "Previous Publication."

Range of sanctions applicable: The authors will receive a letter of reprimand to the author(s) cannot submit a manuscript to the Journal for up to two years.

5. The submission of a manuscript reporting a study of a specific number of patients or laboratory animals and data. The manuscript is accepted and published. The next year a manuscript is received from the same or some of the same authors reporting the same material with the addition of a few patients or laboratory animals. When this occurs, the author is required by the American Journal of Obstetrics and Gynecology to inform the Editors of the circumstances, similarities, and differences of the report and to send the Editors two reprints or copies of the previous publication, so the Editor and reviewer can properly determine the value of and need for publication of the repetitive report. If this is not reported to the Editors in the covering letter that accompanies the submitted manuscript, it constitutes a violation.

Range of sanctions applicable: The author(s) will receive a letter of reprimand to the author(s) cannot submit a manuscript to the Journal for up to two years.

- E. Obfuscation, submitted manuscript or published article. Obfuscation is defined as a manuscript or article that has been prepared in such a manner that the readers are confused or perplexed and specific points are obscured or clouded. Listed here are some examples, which are not meant to be inclusive.
 1. Not citing references to reported studies that contradict the findings, interpretations, or conclusions of the authors of the manuscript or article
 2. Obscuring the fact that the manuscript or article was not the original report and not citing findings of the original article, or not citing the original article

3. Selecting data so that contradictory data are not revealed
4. Describing material and methods to imply that the reported data deserve more weight than they really do
5. Not describing the material and methods in sufficient detail to permit other investigators to repeat the study; incomplete methods section that did not include the whole experiment
6. Using historic controls without explicit notice thereof

Range of sanctions applicable: The author(s) will receive a letter of reprimand to the author(s) cannot submit a manuscript to the Journal for up to two years.

- F. Manuscripts that violate federal, state, or institutional rules of research involving human subjects, experimental animals, DNA, new drugs, and new devices or radioactive materials Manuscripts emanating from countries that do not have review boards will be subject to the same standards as those manuscripts from the United States

Range of sanctions applicable: The author(s) cannot submit a manuscript to the Journal for two years to life.

- G. Human experimentation, including products of conception The human must be protected when a subject is a participant or is involved in experimental studies. Human experimentation requires local institutional approval, and this approval must be obtained before the experiment is started and the approval must be so indicated in the Material and Methods section of the submitted manuscript. Nonhuman, animal experimentation must also have institutional approval that follows the guidelines for the care and use of animals approved by that institution. *Human*, in this connotation, includes fetuses of all gestational ages, and investigation includes any study, be it verbal or procedural, that is not a routine part of patient care. Manuscripts emanating from countries that do not have review boards will be subject to the same standards as those manuscripts emanating from the United States. Violation of those standards is considered an inappropriate act.

Range of sanctions applicable: The author(s) cannot submit a manuscript to the Journal for up to two years.

- H. Manuscripts and published articles for which the author failed to retain all the primary data and tissues

Range of sanctions applicable: The authors will receive a letter of reprimand (least) to the author(s) cannot submit a manuscript to the Journal for two years to life.

- I. Specific inappropriate acts of authorship These are acts that deviate from the normal standards and policies expected of authors. It is important for authors to take seriously their responsibility as coauthors. The responsibilities of all coauthors include the taking of reasonable and prudent care to ensure the reliability of the results reported for which one claims even partial credit.

1. Gift or honorary authorship An honorary author is one whose name is listed as a coauthor, by virtue of being the chief of a laboratory or a section, being the head of a department, or holding an otherwise prestigious position, despite the fact that one did not participate actively in the conduct of the research and did not have knowledge of the daily progress of problems of each investigator. This person could have added his or her name as coauthor, without

consultation with anyone, or the author and coauthors could have added his or her name without his or her permission and knowledge. If an individual adds his or her name as coauthor, he or she claims some credit for the research and assumes responsibility for its conduct. If a name is added without permission or knowledge, the person whose name is so added is absolved of responsibility. However, the author and other coauthors have committed an inappropriate act.

Range of sanctions applicable: The author(s) will receive a letter of reprimand.

2. Qualifications for authorship in cooperative reports
 - (a) Qualifications for authorship in cooperative reports with two or more authors from a single institution or from multiinstitutions located within the same city and adjacent suburbs or located within other geographic regions, each of which has an approximate maximum size of 50 square miles

Each author must qualify by (1) having participated actively and sufficiently in the study that is being performed and reported, (2) having made a substantial contribution to the concept and design of the study, (3) drafting the manuscript or revising it critically for important intellectual content, and (4) having approved the final version of the manuscript. (5) All authors listed on the title page of the manuscript must acknowledge responsibility for the entire manuscript. In the copyright statement that accompanies the submitted manuscript all authors must confirm that these four conditions have been fulfilled. Others contributing to the work should be recognized separately in an acknowledgment, and such persons must have given their permission to be named. Failure to fulfill these requirements constitutes a specific inappropriate act.

Range of sanctions applicable: This will depend on the specific inappropriate act and may range from a letter of reprimand to the author(s) to a restriction that the author(s) cannot submit a manuscript to the Journal for up to two years

- (b) Qualifications for authorship in cooperative reports with two or more authors from multiinstitutions located in more widely separated geographic regions

Each author must qualify by (1) having participated actively and sufficiently in the study that is being performed and reported, (2) having read, understood, and approved the concept and the design and having recognized and accepted his or her position and work as they relate to other authors and the common goal, (3) either drafting the manuscript or revising it critically for important intellectual content, and (4) having approved the final version of the manuscript. (5) All authors listed on the title page of the manuscript acknowledge responsibility for the entire manuscript. These five conditions must be met. Others contributing to the work should be recognized separately in an acknowledgment, and such persons must have given their permission to be named. In the covering letter that accompanies the submitted manuscript, it must be confirmed that all authors fulfill these five conditions.

Failure to fulfill these requirements constitutes a specific inappropriate act.

Range of sanctions applicable: This will depend on the specific inappropriate act and may range from a letter of reprimand to all authors to a restriction that the authors cannot submit a manuscript to the Journal for up to two years.

3. Conflict of interest

The authors of all articles, editorials, and letters to the editors, must inform the editors of any possible conflict of interest (see questions on author checklist). This includes any financial interest (stock, stock options, direct employment, consulting status or membership in a speaker's bureau) in the company producing products described in the article. The monetary value should be stated i.e. position with the company as an employee, x dollars in stock at the current price, x dollars earned as a speaker or consultant for the company for the past 3 years, and x number of stock options. Failure to do so may result in significant sanctions. The editor will decide what potential conflicts must be disclosed to the reader. They will be listed on the first page of the article. Authors should not knowingly recommend as a potential reviewer a person with potential conflict of interest either financial or personal (i.e. mentor or close personal association).

Range of sanctions applicable: This will depend on the specific inappropriate act and may range from a letter of reprimand to the author(s) to a restriction that the author(s) cannot submit a manuscript to the Journal for two years to life.

4. Order of authorship

In a submitted manuscript or published article with two or more authors, the order in which the authors are listed implies significance. The order of authorship is according to the will of the authors of the articles or the institution from which they come and is not determined by the American Journal of Obstetrics and Gynecology.

Sanctions not applicable.

- J. Responsibility of the author and the coauthors. It is the responsibility of the Journal to make efforts to ensure the accuracy and integrity of manuscripts published.

Authors and coauthors also have responsibilities to ensure accuracy, including having read all citations.

IV. Handling of a charge of an inappropriate act: Due process

The standards of procedure in dealing with charges of inappropriate acts in scientific investigation, submission of manuscripts, and publication of articles are those of the legal culture. The minimum requirements of due process are the numbered items that follow.

1. Notice to all authors and reviewers of the standards of conduct expected and the range of sanctions to be imposed for violation of these standards.
2. When an accusation of a violation of our published guidelines is received, the Editor(s) shall promptly determine whether the allegation(s) contains sufficient detail to permit action or is seemingly frivolous or misguided. If the Editors find deficiencies in the accusation, they will write to the accuser, explaining the situation(s) and offering him or her the opportunity to elaborate further.

3. If the Editors believe that an allegation(s) of potential misconduct merits further action, the following procedures will be initiated:

- (a) The Editors will notify Elsevier Inc (specifically, the Periodical Publisher), on receipt of the accusation and the action taken.
- (b) The Editors will initiate an *initial inquiry*, which is a confidential, informal, private investigation of the accusations.

The initial inquiry is to be conducted by at least three persons: one Editor of the Journal and at least two other people, neither of whom are paid employees of the Journal. Consultants are to be used as needed. The objectives of the initial inquiry are (1) to determine that there are or are not deficiencies in the accuser's letter(s) and (2) to determine whether the evidence indicates potential misconduct has occurred. It is possible that during this informal investigation there may be gaps or deficiencies in the accuser's letter(s), in which case the accuser will have the opportunity to amplify or clarify them. If the *initial inquiry* group determines there is insufficient evidence to establish a potential violation of published guidelines, they will notify the accuser and Elsevier Inc; no further action will be taken.

If the *initial inquiry* group concludes there is sufficient evidence of a potential violation of published guidelines to move to a formal investigation, the group will contact the accused to indicate that an accusation has been made, that a preliminary investigation is being conducted, and that the accused may wish to contribute information that would shed light on the accusation. The *initial inquiry* committee will review all the evidence finally submitted, including any material received from the accused, and determine whether a formal investigation should be initiated. If it is recommended that a formal investigation be initiated, a letter will be sent to the accused stating the results of the initial inquiry and notifying the accused that a formal investigation is to be initiated. The accused will be given the opportunity to accept any applicable sanctions without a formal inquiry. If the accused refused to accept applicable sanction at this time, the Editors will then proceed to a formal investigation, the first step of which is to notify Elsevier Inc, of the commencement of the formal investigation and to establish a *formal investigation committee*.

4. A letter will be sent to Elsevier Inc, the accuser, and all persons who have been witnesses or who are potential witnesses in support of the accusation.

The *formal investigation committee* operates with absolute impartiality and will consist of the Editor and at least two persons outside Elsevier Inc, plus whatever consultants are necessary. Its chair cannot be an Editor of the Journal.

5. The committee's first step is to send a registered letter (or equivalent) to the accused, stating the specific charges and the process that has gone on to date and indicating that a formal investigation is under way and what the procedures will be. This letter states that the accused must reply within 60

days (except in unusual circumstances, such as mail delays). The letter also notifies the accused of the right to counsel. In the absence of any reply a further registered letter will be sent to the accused notifying him or her that the *formal investigation committee* will notify the following individuals that an investigation is being conducted; the Editors in Chief, Associate Editors, Elsevier Inc, the chair of the accused's department, the dean of the accused's medical school, the director of the accused's hospital, the head of the accused's hospital medical board, and the president of the accused's university. This letter will also notify the accused of the specific sanctions to be applied should the formal investigating committee find the accused guilty of a specific inappropriate act even in his or her absence.

6. Right to counsel. The accused is notified of his or her right to counsel in the initial letter sent to him or her that announces the start of a formal investigation.
7. Right to witnesses for the accused. The accused has the right to summon witnesses whom he or she may wish to testify in his or her behalf.
8. The formal investigation will enable the accused and his or her counsel to confront and question all witnesses, to examine and comment on all documented evidence, and to present any exonerating evidence or arguments.
9. The *formal investigation committee*, after hearings and consideration of all the evidence and arguments, shall reach a prompt determination of the facts.
10. After the formal hearing, the committee will consider all evidence and arrive at a prompt determination that shall be binding. If the committee determines that there have not been specific inappropriate acts, a letter of exoneration will be sent to all parties. If the *formal investigation committee* determines that there have been specific inappropriate acts, appropriate sanctions, as defined within this monograph, will be imposed and a statement issued to all persons previously notified of the investigation, including the individual's department chairman, the dean of the medical school, the hospital director, director of the hospital medical board, or chairman of the hospital medical board, the university president, and the National Library of Medicine. A statement will indicate that an accusation was made, a formal investigation was conducted, and the individual was found guilty of an inappropriate act.
11. If the formal (or informal) inquiry results in admission of unreliability of the scientific information, a retraction will be published in the Journal. A change of authorship will be handled by a correction.
12. Protection of the accuser. The accuser is a person who on his or her own initiative, desire, and willingness sends the Editors a signed letter charging an investigator or author of an inappropriate act. When this is done in good faith, we will maintain this informer's anonymity to the extent of our ability. Should the finding of the preliminary investigation warrant the need for a formal investigation, the Editors become the accusers doing their jobs and will be defended and indemnified by the Publisher of the American Journal of Obstetrics and Gynecology for any claim that arises out of the satisfactory performance of their responsibility as Editors.

If a reviewer or consultant of a manuscript detects an inappropriate act and described it in his or her review comments to the editor, the reviewer is not the accuser. He or she has not made a charge of an inappropriate act but is fulfilling one of the tasks assigned by the Editors of the Journal. If the Editors perform a preliminary investigation with the assistance of other invited consultants or reviewers, the other consultants or reviewers are not the accusers. Should the finding of the preliminary investigation warrant the need for a formal investigation, the Editors become the accusers doing their jobs and will be defended and indemnified by the Publisher of the American Journal of Obstetrics and Gynecology for any claim that arises out of the satisfactory performance of their responsibility as Editors.

If an Editor of the American Journal of Obstetrics and Gynecology is the first to detect an inappropriate act in a submitted manuscript or in a published article, the Editor will perform the initial inquiry with the assistance of reviewers and consultants; the reviewers and other consultants are

not the accusers, since they are performing an assigned task. The Editors of the Journal are the accusers doing their jobs and must be protected by the Publisher of the American Journal of Obstetrics and Gynecology.

V. Retraction of a publication

1. If data have been found to be fabricated or falsified or if plagiarism occurred and was published, a notice of retraction may become necessary. We would first request the author(s) to submit a retraction for publication in 30 days. In the event of noncompliance, the Editors will ask the institution to supply the notice of retraction in 30 days. In the event of noncompliance, the Editors of the Journal will write the notice of retraction to be published in the Journal.
2. A Standard Format for the Notice of Retraction will be developed. It will be clearly labeled as a retraction and consistently located in each issue on the same prominent page. The notice of a retraction will list the name(s) of the author(s) of the original article, the title of the article, the complete reference, and an explanation of the reason for retraction.