

Advancing Communications Between Editors and Institutions: News from the Office of Research Integrity

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In September 2024, the Office of Research Integrity (ORI) published the Final Rule on Public Health Services (PHS) Policies on Research Misconduct (42 CFR Part 93),¹ which makes significant changes to the current regulation implemented in 2005. Many of these changes were designed to keep pace with the changing landscape of research over the last 20 years and to clarify research misconduct processes for institutions. The Final Rule must be implemented by all PHS-funded institutions by January 1, 2026, which means that all institutional policies for handling research misconduct must be revised to be consistent with the Final Rule.

Among many changes in the Final Rule, one that is especially relevant to journal editors and publishers is the revision to the confidentiality provision at 42 CFR §93.106.² Confidentiality related to institutional research misconduct proceedings centers around protecting involved parties from reputational harm or retaliation and currently allows limited disclosure only when there is a “need to know.” Institutions have taken a very narrow view of need to know in the past. The 2024 Final Rule expands the need to know to include institutional review boards, journals, editors, publishers, coauthors, and collaborating institutions.²

The practical aspect of this change for journals, editors, and publishers is that institutional officials (i.e., research integrity officers [RIOs]) conducting research misconduct

proceedings now will be allowed to share limited information about these matters. Thus, when an institution clearly verifies inaccuracies in submitted manuscripts or published articles that need to be corrected, an institution can communicate with the journal about the unreliable data, even when the research misconduct proceedings are still ongoing. The expectation is that any information that may be shared with journals will remain confidential to the extent possible, but information about the unreliable data itself may be further disclosed. This should make it easier for journals to take the necessary steps to correct the scientific record when concerns are raised without waiting for institutions to complete their processes and make findings of research misconduct.

Improved Communications for Editors

Separately, in 2022–2023, a working group of RIOs from various institutions, along with journal editors and publishing staff whose remit includes managing research integrity issues, was convened to discuss improved collaboration between institutions and journals when there are allegations of research misconduct (falsification, fabrication, or plagiarism [FFP]).³ The working group discussions found that when journals that generally pledge confidentiality in the peer review and publication processes are alerted to suspicions of FFP in a paper, usually by peer reviewers and readers, the editors and staff of the journal are responsible for determining the accuracy of the data and correcting the scientific record (through corrections and retractions) as needed. The Committee on Publication Ethics (COPE) guidelines⁴ suggest editors contact the authors for explanations of the data in question, and if they do not receive satisfactory explanations, to notify the author's institution about the data. It is the institution's responsibility to review the data and also to address the behaviors of its employees, sometimes through research misconduct proceedings. However, journal editors are often reluctant to

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proceed to this step as they are concerned about violating author–journal confidentiality, damaging an author’s reputation, or potentially provoking a lawsuit if suspicions are unsubstantiated. Similarly, if institutional investigations are initiated, confidentiality restrictions prevent institutions from sharing information about ongoing investigations with journal editors.

The recommendations from the working group discussions included a call-to-action for institutions to expand the “need to know” criteria to allow sharing information with journals. With the ORI Final Rule, institutions may now discuss the validity of research with editors, making it more comfortable for journal editors and institutional officials to interact regarding questions of potential FFP in submitted and published articles. This openness will lead to greater efficiency and timeliness in correcting the literature record because as soon as FFP is verified by an institution, it may be shared with journals to take earlier actions (such as retractions or corrections).

The future for continued interactions between journals and institutions is largely predicated on whether journals are open to expanding confidentiality policies for managing and reporting suspicions of incidents of FFP to include discussions with institutions. If journals do expand their policies, authors of articles need to be made aware,

through submission confirmation letters or in the journal’s Information for Authors, that editors may communicate with institutional officials without the knowledge of the author under circumstances in which the evidence strongly suggests potential research misconduct may have occurred.

All policy changes that lead to transparent and trusting communications between institutions and journals will simplify the jobs of editors and institutions alike, and these trusting relationships may likely facilitate more rapid resolutions for correcting the scientific record.

References and Links

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