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## A FRESH LOOK AT SELF-PLAGIARISM

By *Michele S. Garfinkel*

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[The opinions expressed in this article are those of the author and not necessarily of EMBO.]

As contributors to the scholarly literature, researchers are aware of the care that must be taken in describing not only their experimental results, but as well prior works, both of others and of themselves. In the peer-reviewed literature, a critical mechanism for ensuring the reader has a full understanding of the work under discussion is the proper use of citations. Plagiarism, specifically the use of others' words without proper citation, is probably the most recognizable lapse in publication ethics, and certainly fits any scholarly definition of theft. Journal editors now have access to sophisticated software for scanning articles for plagiarized text, and thus such theft can usually be easily recognized. But one type of text re-use that would be obviously anticipated but much more difficult to deal with is self-plagiarism.

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What happens when words are, at least nominally, our own? Can we re-use them, and how? (see generally, Akst, 2010; COPE, ND)

It is frequently argued that self-plagiarism is definitionally impossible, as one cannot steal from oneself. This may be partially an issue of word choice. Approaching the problem as “recycling” rather than “plagiarism” (Silverman 2012), while helpful from a policy perspective, does not address the immediate concerns. Some note that the concerns are far overblown, and perhaps wrapped up in agendas unrelated to advancing knowledge (Callahan, 2014). Perhaps this is true, but while concerns about plagiarism may be primarily about stealing, in self-plagiarism the real concern would appear to be about misrepresentation. This can be complicated by an obvious fact of modern science: very few research projects are carried out by a single individual, and thus very few papers are single author. If I am one author on a multi-author paper, could I possibly re-use any of it without crediting all the other authors? This does point toward one of the problems with the idea of self-plagiarism as definitionally impossible: who is the “self” here?

Practically, because the definition of self-plagiarism remains unclear, many researchers are simply unaware of the implications of it (this seems to be particularly pronounced when writing review articles, see, e.g., COPE 2009). In fields such as molecular biology and biochemistry, it is not unreasonable that whole sections of papers (particularly the Materials & Methods, but as well the Introductions) could be repeated verbatim with no intent to deceive. If the previous work was mine and this work is mine, then obviously I take responsibility for it. Some journals approach this in a clear way in their instructions to authors: re-use whatever you want, but cite it clearly. Some go a bit further and ask for any

replication to be minimized, while the passage is still cited (Culley 2014).

Another way to ask whether self-plagiarism is theft, or otherwise damaging, is to look at it from the perspective of novelty, which is among the most important attributes of published research (though there are alternatives; for example, the open access journal PLoS ONE, which, following peer review, will publish any research article that meets the journal's technical and ethical standards irrespective of novelty). Re-using one's text without citation in essence marks it as novel, and thus credited an additional time to the author as a contribution to the field. Again, for a biochemical Methods section, this might not be a pressing concern. But the interpretation of data (the Results and Discussion sections) should, in most cases, indicate novelty. It is difficult to reconcile self-plagiarism in that case.

Even if researchers wanted to reject the notion that they need to cite themselves properly, ultimately the law (or more specifically, rules around copyright) might have a say in the necessity. The simplest case would be the one where a journal holds copyright over an article. In that situation, extensive re-use of any text beyond that permitted under fair use rules, even one's own text, would be a copyright violation and subject to any jurisdictional penalties, if the journals cared to enforce it. Even this situation is changing along with other aspects of access to journal articles. Many authors now are choosing to publish under copyrights that allow almost any re-use of articles, as long as the article is cited. It is imaginable that this type of copyright could actually be used to enforce self-citation where it otherwise might not occur. It is important to note that this is an area of particular concern to librarians (Rosenzweig and Schnitzer, 2013).

*Garfinkel continued on page 2*

Researchers and publishers are now also grappling with the concept of self-plagiarism beyond re-use of words. As researchers, we may study the same problem for decades. This may lead to an accumulation not only of text but of data. Interestingly, until recently, the re-use of someone else's data (and perhaps one's own) fell into a general category of plagiarism, or at least of questionable conduct of research. Now, in many fields, the publication of open datasets specifically for the purpose of re-using them in novel ways is encouraged, and in fact have gone in the exact opposite direction of text: rather than insisting on more citation, many journals and funders now insist that data be published with a so-called "CC-0" license, meaning that the data are in the public domain. No accusation of (self)-plagiarism can be attached to the use of such data. To be clear, there is as well a somewhat complex relationship between data and figures. The re-use of figures must be properly credited.

For text then, we can certainly understand, and mandate, the need for citation of the original source. For data, many fields are moving toward licensing data in such a way that they are usable by anyone, and frequently without attribution.

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But for everything else, there are ongoing discussions as to what constitutes outright self-plagiarism, and, more urgently, what policy approaches the community might take to resolve the tensions in different views in order to benefit research. A particularly contentious area is that of "thought plagiarism," which manifests itself in self-plagiarism as "salami slicing." The grouping of research data into "smallest publishable units" is done constantly, but also critiqued constantly. A main argument against it is that it is bad science. But that would not necessarily be clear by looking at the literature. The more specific argument is that salami-slicing is in fact a kind of self-plagiarism, where the idea, rather than the text necessarily, is repeated. It is clear that many stakeholders (the researchers themselves, and their peers; funders; journal editors; librarians) have very strong views on plagiarizing though, and salami slicing particularly. Interestingly, there has been little policy analysis of the benefits and harms of (in the more positive view) "thought sharing," which would be a useful complement to general discussions of openness in science. If self-plagiarism is a problem to be solved, the low-hanging fruit is for the relevant stakeholders (journal editors and probably funders) to clarify that it is fine to use text (and even in some cases, ideas) from previous papers, but that these must be cited properly

More generally though, plagiarism, but especially self-plagiarism, are frequently covered quickly, if at all, in at least some research ethics training programs. There are some sources of information regarding responsible conduct of research, including for defining and preventing plagiarism and self-plagiarism (perhaps the most useful of these being an annotated list of guidelines, Roig, ND). In general, in thinking about training, are these materials clear? Do they address research and publication as they are evolving? More important, who is responsible for conveying this information? Journals (both through their instructions to authors and the review process) frequently become the last chance to catch misunderstandings about self-plagiarism. Is this where the responsibility should be situated? There are many possible approaches to this type of training and oversight, and discussions

about them are certainly underway, but as yet with few clearly defined options.

For example, as other types of self-publishing (especially blogs) have become more widespread, it has also become complicated to define what is a "published unit" and thus what constitutes self-plagiarism. Is a blog post more like a pre-print server, or is it more like a record copy of thoughts at that time? This problem, though, has been raised even for that most academic of works, the dissertation (Spinak, 2013). Given the ambiguity and lack of agreement in research communities as to how to treat such re-uses, at least some publishers, rather than retracting, are flagging articles with corrigenda that they find later to have emerged from earlier online posts (see, e.g., EMBO reports 2011). These approaches are neither right nor wrong, but would benefit from more serious analysis. Thus, there is a significant amount of work that could be done in the policy community with scientists, librarians, funders, journals, and lawyers to understand further the full scope of self-plagiarism; to define the real harms (and, in some cases, benefits) of self-plagiarism; and, not least, to understand fully the responsibilities of all parties in the research system with respect to mitigating any of those harms.

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## **Pardon Me for Repeating Myself**

By **Elizabeth Wager**

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When approaching the question of "self-plagiarism" it is helpful to consider the ethical aspects. True plagiarism may be considered a form of theft, always involves deception, and has clear victims (i.e., authors who are denied credit) and is therefore clearly unethical. However, stating something more than once is not considered a crime in any situation other than academic journal publishing. I can

see three possible explanations for this (which are not mutually exclusive). One is that repetitive or redundant publication (terms I prefer to self-plagiarism) wastes the resources of the research community in terms of peer reviewer time, journal effort and space [1]. Second, redundant publication may be viewed as giving unfair academic credit to authors for minimal effort. Third, covert redundant publication may skew the results of meta-analyses that are the basis for many medical guidelines [2].

The first potential harm of redundant publication requires the exercise of judgement by journal editors. While it may be inefficient to publish the same information in two journals, this may make it accessible to a wider audience and may therefore be justified. Guidelines are often published simultaneously in several journals. So long as this is done transparently, this seems helpful. In fact, some of the most widely used guidelines on publication ethics (from the International Committee on Medical Journal Editors) are routinely published in several journals [3]. Editors may also agree to publish translations of published material to ensure it reaches a wider audience.

The second objection to redundancy reflects, in my view, failings in the academic reward system rather than underlying ethical issues. This problem would probably disappear if we were to devise a better system for academic recognition than simply counting the number of articles on which a researcher is named. Several other ethical problems such as guest authorship and plagiarism might also be reduced or abolished by such a change.

The third potential harm of covert redundant publication, while undoubtedly real, could be prevented, at least in the field of medicine where its effects can be so damaging, if all clinical trials were registered and the unique registration number required for all publications. Setting aside these three aspects, it is hard to argue that repetitive publication is harmful and, in fact, one can argue that it may even be beneficial. Given that the purpose of publication is to transmit information or ideas to readers, clear and unambiguous expression is surely desirable. As Strunk & White so

perfectly express it, "Since writing is communication, clarity can only be a virtue" [4]. If journals adopt an extreme position on self-plagiarism, authors could be forced to reword descriptions of standard methods and, in doing so, might make these descriptions less clear than the original. An alternative solution would be to demand the use of quotation marks as well as clear citation for any repeated passages, but I am not convinced this would provide substantial benefit to readers and would cost authors time.

While I am skeptical about many claims of inadvertent plagiarism due to perfect recall of other people's texts, most writers are probably guilty of some degree of inadvertent self-plagiarism, and requirements to check for any reuse of wording strike me as both excessive and obsessive. If authors are invited to write articles, commentaries, and book chapters on their area of expertise, they cannot guarantee that they will not repeat any shred of previous publications and, so long as they respect copyright and publishing etiquette (e.g., by informing editors of previous work and discussing the degree of overlap they consider acceptable), I do not believe this is a problem.

Another reason why I believe we should rethink some hardline attitudes to "self-plagiarism" is that new methods of disseminating research findings offer considerable potential benefits and it would be tragic if these opportunities were denied because of outmoded thinking. While peer-reviewed journals have served, and are likely to continue to serve, an important function in the communication of research, they are not the only medium. For example, preprint servers are widely used by physicists, enabling rapid communication and discussion of results without delays caused by peer review.

For medical research, clinical trial registers provide information about trial methods, and in some cases also results summaries, that may be more complete than journal articles [5-7]. Public posting of full clinical study reports (which will occur routinely for medicines licensed in Europe from January 2015 [8]) also offers

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considerable potential benefits but will undoubtedly include material identical to that appearing in journals.

As Garfinkel suggests [9], it would be helpful if stakeholders including research institutions, journal editors and publishers would reach a consensus on what forms of redundant publication are harmful and how such harms can be minimized. On the basis of this, guidelines for authors and researchers could be developed. My hope is that we might develop clear, practical and pragmatic guidelines so I could stop having to write, sometimes repetitively, about redundant publication.

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## On Reusing Our Previously Disseminated Work

By *Miguel Roig*

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In her timely essay, Michele Garfinkel makes several interesting observations about the topic of self-plagiarism. One point worth reinforcing to prospective authors concerns the wide variation in tolerance of the practice of recycling authors' own previously published text without attribution. In a recent review of journal editorials on plagiarism and self-plagiarism (Roig, 2014), I found a wide variety of opinions on this matter. Some editors seem comfortable with authors' reuse of relatively large portions of methods sections, entire methods sections, and/or portions of literature reviews, but other editors are not as accommodating and discourage most forms of this practice. Given that some journals lack adequate guidance on the question of recycling, authors should use caution about reusing their own textual material and, when in doubt about what may or may not be acceptable, they should contact the editor.

In addition, to the elements of misrepresentation (i.e., that portions of text are presented as new writing when, in fact, they are material previously published), and of potential copyright violation that were identified by Garfinkel, questions have been raised as to the ethicality of this practice even when small amounts of text are involved (see Bruton, 2014). Does every instance in which authors reuse without citation

their previously disseminated material represent a lapse in scholarly excellence and/or in a best scientific practice? I believe that the answer depends on a number of contextual factors, the most important of which is perhaps the question of whether the reused material consists of a set of very precise, technical descriptions and procedures that cannot be easily paraphrased without running a risk of introducing even slight variations in their intended meaning. Other considerations include whether the reused material consists of, a) several full consecutive sentences or, b) a limited number of "identical or nearly-identical phrases which describe a commonly-used methodology ..." to use the US Office of Research Integrity's (ORI, 1994) language (p. 6). Another important factor is whether the original material is so clearly written that it precludes additional editing/clarification.

Given the need for utmost clarity and completeness in scientific writing, especially in methods sections, and the belief that a piece of writing can always be improved upon, I generally view authors' wholesale reuse of large portions of their previously disseminated verbatim text as evidence of scholarly laziness. But other variables may play a role in these situations, such as the form in which the original material was disseminated (e.g., type of conference proceedings [see Vasconcelos & Roig, 2014]) and/or whether the authors are native speakers/writers of English (assuming the material in question is written in English) who also operate in a resource-poor environment.

Indeed, we are moving in the direction of open science data, a trend that we should all embrace for, undoubtedly, these developments result in great benefits to scientific progress. However, we must continue to be mindful that one of the long-standing cornerstones of scientific scholarship, and of scholarship in general, is the proper attribution of our own as well as of others' prior work. As scientists and scholars, each of us has a professional and an ethical obligation to identify which ideas, processes, text, data, etc., are our own and which are the product of others' work. It must not matter whether or not such

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acknowledgements are required by law, as when we rely on copyrighted works or government documents, or whether we are using material that has been assigned a Creative Commons CC-0 license, which does not require such acknowledgement. Clarifying which aspects of our products are ours and which are someone else's should be done not only out of respect for those from whom we benefit in our scientific work or to document the true extent of our creative output, but because failing to do so can, under certain circumstances, distort the scientific record and result in public harm.

Consider, for example, a scenario in which previously published data documenting the efficacy of a new clinical intervention are republished without any citation as to their prior dissemination. Failure to discern the republished data as duplicate would likely lead to a biased estimation of the true efficacy of that intervention. Such situations are unacceptable as they represent one of the reasons journal articles are retracted (Fang, Steen and Casadevall, 2012), thus further undermining the public's trust in science.

Few of us will disagree with the benefits of making scientific data available for others to analyze and reuse in ways that further scientific knowledge. However, such reuse must always be done in a transparent manner and in a way that insures that the provenance of data is clear to all. It would be a mistake to abandon scholarly traditions that have served us so well throughout the history of science. Therefore, and in spite of new trends in the use of some creative products, we must continue to insist on traditional forms of proper attribution of our own as well as of others' work.

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## Student Essays

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In July 2014, the AAAS Science and Human Rights Coalition [announced the winners of its Student Essay competition](#), to which undergraduate and graduate students submitted essays on topics at the intersection of science, technology and human rights. The following two essays won first place in the undergraduate and graduate categories, respectively.

### Satellite Imagery in International Human Rights Litigation

By *Surabhi Chaturvedi*

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"That's one small step for man, one giant leap for mankind."

Those words by Neil Armstrong signalled the start of the space age. Of greater significance is the hope envisaged in those words, that science has tapped yet another frontier for the betterment of humankind. Indeed, space related activities are a boon for humanity.

Today, satellites have made their presence felt in the field of communication, exploration of natural resources, agriculture, meteorology, disaster management, etc. The

omnipresence of satellite imaging cannot be ignored. The United Nations has also acknowledged the usefulness of remote sensing by adopting the UN Resolution Relating to Remote Sensing of the Earth from Outer Space by consensus in 1986 [1]. Yet, the response of the international legal community towards the use of remote sensing data as substantive evidence that establishes an impugned fact beyond reasonable doubt has been tepid. Prima facie, this seems an issue about procedure. But in practice, it presents a serious hurdle when public interest litigators, human rights organizations, and victims turn to law for compensation or even prevention of human rights violations.

Remote sensing is the sensing of the Earth's surface from space, such as by a satellite [2]. Once such data are collected by the satellite, they are enhanced by human or electronic analysis such that they are readable and can be used for a specific purpose [3]. Many parts of the world completely inaccessible to the mainland due to lack of or destruction of communication and transport links can be monitored in near real time through satellite imaging. An example of this is the use of satellite imagery by the U.S. government to identify the damage suffered by Internally Displaced Persons (IDP) shelters in Sri Lanka [4]; evidence of war crimes in Darfur, Sudan were gathered through satellite images [5]; Human Rights Watch, Arabia, identified 340 distinct sites in Aleppo, Syria where the opposition had used barrel bombs and airborne weapons to destroy residential neighborhoods through satellite imagery, something the opposition had denied it in the press. On the basis of the said satellite imagery, the UN Security Council demanded that all parties "immediately cease all attacks against civilians"[6].

The aforementioned exercises testify to the fact that satellite imagery has the potential to become an essential tool for human rights mapping. The issue of satellite imagery as evidence first came up before the International Court of Justice (ICJ) in 1986 in a dispute between Mali and Burkina Faso [7]. In that dispute, the Court held that maps are not title of territoriality until both parties assent to it. In *Namibia v. Botswana* [8],

*Chaturvedi continued on page 6*

a boundary dispute was sought to be settled by satellite imagery but the Court relied on it minimally. The Qatar v. Bahrain [9] dispute fell along the same lines as Namibia v. Botswana. In 2002, however, the real problem of admitting satellite imagery as conclusive evidence at the ICJ came to the fore in Nigeria v. Cameroon [10]. In the present case, the territoriality of Tispan village was impugned and Nigeria used a satellite image to lay its claim on the said area. Cameroon interpreted the same data differently to establish the reverse. Admittedly, the concern regarding admissibility of satellite imagery as evidence in Court is not unfounded because, as noted above, raw remote sensing data are processed by experts to make it understandable to the layman. To expedite international human rights litigation, it is imperative that a proper mechanism or standard is established so that satellite imagery can be regarded in court as substantive evidence. This can only be done when human judgment required for the interpretation of images is eliminated or reduced to the bare minimum. A two pronged approach should be adopted to achieve this. First, the permissible level of resolution of satellite images which are presented as evidence should be fixed by the ICJ.

Second, the purpose for which satellite imagery is to be used determines the type of enhancement a particular image undergoes. For instance, the type of enhancement required for the purpose of disaster management differs from the type of enhancement required for meteorology. Due to this difference in processing and enhancement of images, it is advisable that the Court ascertain the type of enhancement and processing a satellite image must undergo in order to be admissible as evidence. Achieving a common denominator for similar types of cases would allow the Court to compare images when submitted as evidence. Satellites, in the literal sense, are “eyes in the sky,” and human rights jurisprudence must usher science into courtrooms to effectively standardize the resolution of legal issues.

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## Water as a friend and a right

By *Wasiu Adedapo Lawal*

*PhD candidate in Environmental Chemistry, University of Texas at Arlington*

As someone conducting research on water issues, one song that has fascinated me for a while now is one titled “water no get enemy” (water has no enemies), which was performed by one of my all-time favorite artistes-- Fela Anikulapo-Kuti. Fela was an activist who often spoke/sang about societal ills like corruption and military oppression, even though he knew he was going to always land in trouble. He didn’t care, however, as long as his voice was heard. Now, in contrast to the typical confrontational tone of most of his other songs, “water no get enemy” sounds like Fela was paying homage to a resource that he felt was more important than any other, and this much he says in the line-- “there’s nothing you can do without water.”

That last phrase suggests that the importance of water cannot be overstated, which is probably why the United Nations has declared the “right to water” as a fundamental human right [1]. This leads me to think if the right to water is a fundamental human right, then why do we have an estimated 800 million people who lack access to clean, potable water? [2]

A closer look at this problem shows that in Africa, for instance (where a large proportion of the 800 million live) [3], the problem stems from either a physical scarcity of water (due to climatic conditions or/and the uneven distribution of resources across the continent) or, in cases where there is substantial supply, it is not safe for consumption [2,3]. The ideal solution here would be to collect water from identified sources, treat it at sophisticated water treatment plants and then send it through pipes to homes where it is needed. Problem? Such treatment plants require a lot of energy, which is usually not feasible in most developing countries [2]. In addition, a developed country like the United States spends about \$29 billion a year to maintain its water/wastewater utilities [2], whereas two-thirds of the people that lack potable water live on less than \$2 a day, clearly suggesting that most African countries cannot afford to have sophisticated water systems [2]. This leads me to another question: How can this issue be alleviated and what is/should be the role of the global scientific community?

*Lawal continued on page 7*

For starters, the fact that major scientific organizations such as the American Chemical Society and the Royal Society of Chemistry have both recently released publications concerning this issue [2,3] suggests that science does have a big role to play. The overall strategy will have to involve portable technologies (like filters and disinfection systems) [2,3] to go with currently employed deep bore holes (more of which are still needed). Getting to the point where such technologies can be widely deployed would require two major things. Support from the governments of the various countries in terms of policy and strategy is clearly one of those. The other, is increased involvement of the scientific community.

There are a number of ways through which the scientific community can help put an end to this global water issue. Some of these include:

**Research.** Developing countries need low-cost technologies to help solve their water problems but these can only be achieved when adequate funding is made available for aggressive research to take place [2].

#### **Institutional and Human Capacity.**

There is also a need for well-trained water professionals and properly equipped institutions to help with the effective delivery of any developed technology, while also providing accurate feedback, where necessary [2,3].

**Monitoring and Management.** A key part of any functional water system is monitoring to enable a continuous assessment of the performance of such systems. Analytical capabilities (analytical chemistry, biotechnology etc.) are important tools for any monitoring system, and as such, the necessary instruments should be made available to institutions in developing countries [3]. There has been a recent trend of large scale collaborations between instrument manufacturers and universities in the United States, and developing countries would stand to gain even more from such arrangements [4].

As much as this is a water issue or a poverty issue, it is also a human rights issue and as such, it is a collective responsibility of the global community to ensure that disadvantaged people have

access to their rights. While it is clear that science will play a key role in fixing this problem, rich, developed countries and industry need to make a commitment to provide the necessary funds and support required to make this happen because, like Fela said in another one of his songs, “human rights na our property” (human rights belong to everyone).

#### **References**

1. UN News Center, *General Assembly declares access to clean water and sanitation is a human right*. UN News Center, 2010.
2. Scott, A. “Running Dry,” *Chemical & Engineering News* 2013, 91, 10-15.
3. Pan African Chemistry Network. *Africa's Water Quality: A Chemical Perspective*. 2010, 1-22.
4. Thayer, A. M. “Scientific Instrumentation Symbiosis,” *Chemical & Engineering News* 2013, 91, 10-15.

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## **In the News**

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### **Political Scientists in Hot Water over Field Research**

*By Aaron S. Conway*

An experiment by political science researchers at Stanford and Dartmouth Universities is raising hackles in Montana. Three political science professors may have broken Montana state election laws, calling into question the ethics of performing research experiments with the potential to affect election results.

As part of the study, mailers containing information on the ideological leanings of four nonpartisan candidates for Montana State’s Supreme Court were sent to 100,000 Montana voters. The research project was intended to test whether voter turnout will increase in nonpartisan elections if voters receive more information about a candidate’s political leaning.

The mailer, entitled “2014 Montana General Election Voter Information

Guide,” features the official state seal and ranks the judicial candidates on an ideological spectrum from President Barack Obama on the liberal end, to former presidential candidate Mitt Romney on the conservative end. Similar mailers were sent to voters in California and New Hampshire, although there has not been a backlash in those areas.

A main source of contention among Montanans seems to be the use of the Great Seal of Montana on the mailers. The presence of the seal gives the impression that the Montana government was involved in distributing the flyer, and use of the Great Seal without permission of the office of the Secretary of State is in violation of state election law. Linda McCulloch, Montana’s Secretary of State, has filed a legal complaint charging that the mailers violated three additional Montana state campaign laws: 1) a ban on “fraudulent contrivance” that could cause a person to vote a certain way; 2) a prohibition on the dissemination of information that gives incorrect or misleading election procedures; and 3) a requirement that a person or group engaging in political activity register with the state [1]. Montana Senator Jon Tester also weighed in on the issue, sending a letter to Presidents at both universities, accusing their institutions of treating Montana’s elections as a “political laboratory experiment, at the expense of free and fair judicial elections” [2].

Jon Krosnick, professor of political science, communications, and psychology at Stanford, commented on the ethics of performing field research in politics saying, “As appealing as this might be on scientific grounds, the real question is whether it’s appropriate to interfere in this way” [3].

In a joint letter addressed to the voters and citizens of Montana, Presidents Philip Hanlon of Dartmouth, and John Hennessy of Stanford apologized for the confusion and concern raised by the mailer, stating that “the mailer was not affiliated with any political party, candidate or organization, and was not intended to influence any race” [4]. The letter also states that both Stanford and Dartmouth officials are investigating whether research rules of the institutions

*In the News continued on page 8*

were followed. It acknowledges that although Dartmouth's IRB had reviewed the research proposal, Stanford's had not, which is in violation of university policy.

[1] <http://thewpsa.wordpress.com/2014/10/25/messing-with-montana-get-out-the-vote-experiment-raises-ethics-questions/>

[2] [http://billingsgazette.com/tester-s-letter-to-stanford-and-dartmouth/pdf\\_79c534eb-75ed-50f8-9c67-883e7beb6fa4.html](http://billingsgazette.com/tester-s-letter-to-stanford-and-dartmouth/pdf_79c534eb-75ed-50f8-9c67-883e7beb6fa4.html)

[3] <http://chronicle.com/article/DartmouthStanford/149687/>

[4] <http://chronicle.com/items/biz/pdf/Letter%20to%20Montana%20voters%206%20pm%20draft.pdf>

## Cancer Researcher Brings Defamation Suit against Anonymous Commenters

By Aaron S. Conway

Wayne State University cancer researcher Dr. Fazlul Sarkar is bringing a defamation suit against anonymous commenters on the online forum PubPeer. Attorneys for Sarkar claim that the comments were responsible for him losing an upcoming position at University of Mississippi, as well as losing tenure at Wayne State [1].

Over 50 of Dr. Sarkar's papers have received comments on PubPeer, which is a platform for anonymous, post-publication peer review. Commenters have pointed out potential inconsistencies in Sarkar's figures and perceived similarities between images supposed to depict different experiments. Comments have also expressed concern that there has not been a publicized investigation by Wayne State University into Dr. Sarkar's work [2].

Dr. Sarkar is an author on over 500 papers, and has been awarded \$12.8 million dollars from the National Institutes of Health (NIH). On March 11, 2014 he was offered a tenured position as a distinguished professor and researcher at the University of Mississippi, set to begin August 1, 2014. On June 19, the offer was rescinded due to a series of emails sent to officials at the University of Mississippi Cancer Institute that

included the disparaging comments on PubPeer regarding papers from Dr. Sarkar's lab.

The letter from Dr. Larry Walker, Director of the National Center for Natural Products Research at the University of Mississippi, directly mentions the PubPeer comments and their dissemination as the reason Dr. Sarkar's employment was terminated saying, "At this point we can no longer go through with an employment relationship with you and your group. With these allegations lodged in a public place and presented directly to colleagues here, to move forward would jeopardize our research enterprise and my own credibility" [1].

Once the offer from the University of Mississippi had been rescinded, Sarkar returned to Wayne State and found that a similar disparaging notice containing the PubPeer comments had been widely distributed among his peers in the Medical Center at Wayne State. This notice reportedly contained a header implying that Dr. Sarkar's work was under investigation by NIH and Senator Charles Grassley of Iowa. According to Sarkar's lawyer, both the U.S. Office of Research Integrity and Senator Grassley's staff have denied this is the case [1]. Attorneys for Dr. Sarkar believe that the injurious comments and their dissemination may represent a deliberate attempt to discredit the researcher. Sarkar has subpoenaed PubPeer for information needed to identify the commenters [3], alleging that these commenters made false, defamatory, and injurious statements, and that their comments violated the terms of PubPeer's policy [1]. Although PubPeer is protected from litigation by Section 230 of the Community Decency Act, Sarkar's attorney is attempting to convince the court that PubPeer has an obligation to turn over the commenters' identifying information because it permitted publication of the injurious comments.

Although the First Amendment can protect the anonymity of commenters, this protection can be overturned if there is a strong case of wrongdoing against them. Alexander Abdo of the American Civil Liberties Union (ACLU) says that "Whoever is trying to unmask someone

needs to show that there is some likelihood of success of their claim" [2].

[1] <https://retractionwatch.files.wordpress.com/2014/10/filed-complaint.pdf>

[2] <http://news.sciencemag.org/people-events/2014/09/anonymous-peer-review-comments-may-spark-legal-battle>

[3] <http://blog.pubpeer.com/wp-content/uploads/2014/10/signed-Subpoena-PubPeer.pdf>

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## In the Societies

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### AAAS Advises UNESCO on Updating 1974 Recommendation on Scientific Researchers

By Joshua A. Ettinger

At its 37<sup>th</sup> General Conference session in November 2013, the United Nations Educational, Scientific and Cultural Organization (UNESCO) initiated a process of revising its 1974 Recommendation on the Status of Scientific Researchers. [UNESCO subsequently called for advice](#) on how the statement should be updated to reflect current issues facing scientists and the international scientific community. [The Recommendation](#) is a pivotal document that establishes policy frameworks for Member States' science and technology policies and practices, as well as norms on the rights of scientists.

On October 30, 2014, AAAS submitted comments regarding how the pivotal Recommendation can better reflect "today's concerns about science in relation to society" [2]. In the letter, AAAS Chief Executive Officer Alan Leshner emphasizes that the Recommendation needs to be updated to "reflect changes in the social organization of science, the impact of the digital revolution, the transformation of the broader environment in which scientists work and persisting disparities in the capacity of countries to fund research and of people to gain access to the benefits of science" [2].

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To this end, the letter offers several key suggestions, many of which broaden the Recommendation's inclusiveness. Leshner notes that the Recommendation's definition of science should include all fields of contemporary science—life, physical, computational, behavioral, social—as well as engineering. The Recommendation should also be expanded to protect scientists against specific types of discrimination not mentioned in the original, including discrimination related to disability and sexual orientation. Additionally, the letter cites the value of promoting diversity within the science community and considering the views of developed and developing countries during the Recommendation's revision process.

Leshner suggests the updated Recommendation contain more explicit references to the specific human rights of scientists, including freedom of association, expression and movement. The Recommendation should also acknowledge the responsibilities of scientists, such as professional ethics and scientific responsibility. Moreover, Leshner urges the "importance of considering scientific freedom and responsibility as two sides of the same coin, where both are critical to being a productive and successful scientist" [2]. UNESCO concluded its first call for advice in November 2014 and will conduct a second round in 2015. A revised version of the Recommendation will be voted on by UNESCO member nations at its 39<sup>th</sup> general conference in 2017.

[1] <http://www.aaas.org/news/aaas-advises-unesco-updating-1974-statement>

[2] <http://www.aaas.org/news/aaas-submits-public-comments-unesco>

## **American Psychological Association and Allegations of Human Rights Violations**

*By Aaron S. Conway*

The American Psychological Association (APA) has come under scrutiny for its alleged involvement in CIA torture programs. The New York-based advocacy group Physicians for Human Rights (PHR) has called for a Department

of Justice investigation into the APA's alleged role in supporting the CIA's "enhanced" interrogation methods. This comes following publication of Pulitzer prize-winning reporter James Risen's new book, *Pay Any Price: Greed, Power, and Endless War*. In his book, Risen contends that the APA colluded with CIA and White House officials for the purpose of justifying and ensuring psychologist assistance in legitimizing and implementing enhanced interrogation during the George W. Bush administration. Risen claims that the APA was the only health care organization willing to provide ethical and legal cover for the government's torture program, and alleges that without the support of the APA, "it is unclear that any other health professionals would have taken their place" [1].

The APA has responded to Risen's book, stating that the journalist's conclusions are "largely based on innuendo and one-sided reporting." The APA maintains that it upholds a strict prohibition on the involvement of psychologists in torture, and provides a timeline documenting a history of efforts to safeguard against the use of torture. The APA also claims no financial motivation to support the Department of Defense [2] in its detainee interrogation policies. While the APA does acknowledge hosting "invitation-only meetings with psychologists and national security officials," it states that the purpose of those meetings was "for frank discussion of the ethical and practical challenges facing psychologists working in national security settings" [2]. The APA cites three goals of those meetings: 1) to apply the expertise of psychologists specializing in investigative interview techniques, threat assessment, and lie detection in national security settings; 2) to ensure that national security policies were well-informed by empirical science; and 3) to determine what roles and behaviors are appropriate for psychologists to take in national security settings, as well as what roles and behaviors are inappropriate. The APA defends the propriety of these meetings, contending that it is appropriate that the APA Ethics Office offers a confidential venue for psychologists to discuss ethical challenges in their area of practice.

In July 2013, the APA published a Policy Related to Psychologists' Work in National Security Settings and Reaffirmation of the APA Position against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, which includes seven key statements affirming the Association's position against torture and cruel, inhuman or degrading treatment and punishment. The APA states that it communicated this policy to key government officials. The APA believes torture to be not only unethical, but "an ineffective, if not counterproductive, method of eliciting information" [2].

As an additional measure of distancing the Association from human rights violations that occurred as part of the CIA's interrogation program, the APA sent a letter to the Texas State Board of Examiners of Psychologists in 2010 to address a member's complaint of another non-APA associated psychologist's involvement in acts of torture. In this letter, the APA states in no uncertain terms that torturous actions such as waterboarding and sexual humiliation were "patently unethical," "explicit violations of APA policy," and "utterly inconsistent with Ethical standard 3.04 in the APA Ethic Code, which obligates psychologists to do no harm" [3]. The letter states that any APA members proven to have been involved in such actions would be dismissed from the Association and the expectation is that their license to practice psychology would be revoked.

Most recently, the APA has enlisted former federal prosecutor David Hoffmann to conduct independent review of whether there is any factual support for the claims made in Risen's book that the APA engaged in activity to promote, support or facilitate the use of "enhanced" interrogation techniques [4]. APA board members and staff have been instructed to cooperate fully with Mr. Hoffman's investigation [5]. Upon conclusion of Hoffman's investigation, his report will be presented to a special APA committee, which will then provide a recommendation to the Association based on that review. Both the committee's recommendation and Hoffman's original report will be made

*In the Societies continued on page 10*

available to the public in the first quarter of 2015 [4].

[1]<http://physiciansforhumanrights.org/press/press-releases/phr-calls-for-federal-probe-into-american-psychological-associations-role-in-cia-torture-program.html>

[2]<http://apa.org/news/press/response/rise-n-book.aspx>

[3]<http://www.apa.org/news/press/statements/texas-mitchell-letter.pdf>

[4]<http://www.apa.org/news/press/release/2014/11/risen-allegations.aspx>

[5] <http://news.sciencemag.org/people-events/2014/11/apa-names-lawyer-examine-claims-it-aided-u-s-government-shielding>

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## Announcements

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### Journal of Microbiology and Biology Education Publishes Special Issue on Scientific Ethics

The issue covers topics such as responsible conduct of research (RCR), ethics in science, research integrity and ethics education.

<http://jmbe.asm.org/index.php/jmbe/issue/view/27>

### CALL FOR PAPERS

### Eighth Annual Undergraduate Ethics Symposium--The Prindle Institute for Ethics at DePauw University

The Prindle Institute for Ethics at DePauw University, Indiana, is hosting the eighth annual Undergraduate Ethics Symposium, April 9-11, 2015.

The symposium includes four keynote talks from leading experts on this year's theme, *Value and Virtual Spaces*. Students will participate in breakout sessions to discuss the work they submitted with each other and one of the four keynote speakers.

This year's theme will encompass ethical concerns brought to the forefront by our increasingly technological modern society. From social media and video games to online currency and net neutrality, there is an abundance of moral questions raised by the virtual world. The organizers welcome submissions on the Symposium's theme as well as from all other areas of ethical concern. Submissions must be received by February 1, 2015.

For those students accepted to the symposium, DePauw University will cover lodging and meals. Travel expenses would be the responsibility of the participant. Assistance with travel funds may be available in certain circumstances.

More information can be found at (<http://www.depauw.edu/academics/centers/prindle/programs/ues2/>), or contact [prindleues@depauw.edu](mailto:prindleues@depauw.edu) with further questions.

### CALL FOR ABSTRACTS

### Third Annual Conference on Governance of Emerging Technologies: Law, Policy and Ethics

The Third Annual Conference on the Governance of Emerging Technologies: Law, Policy and Ethics will be held at the Scottsdale Resort & Conference Center in Scottsdale, AZ on May 26-28, 2015.

The conference will consist of presentations and discussions on regulatory, governance, legal, policy, social and ethical aspects of emerging technologies, including (but not limited to) nanotechnology, synthetic biology, biotechnology, genomics, personalized medicine, stem cell and regenerative medicine, human enhancement technologies, telecommunications, information technologies, surveillance technologies, geoengineering, neuroscience and robotics.

Conference co-sponsors invite submission of abstracts for proposed presentations, the deadline for which is Jan. 15, 2015.

The abstract submissions and conference registration should be completed at <http://conferences.asucollegeoflaw.com/get2015/>.

For more information, contact Gary Marchant at [Gary.Marchant@asu.edu](mailto:Gary.Marchant@asu.edu).

### VOTING OPPORTUNITY

### 2015 List of Emerging Ethical Dilemmas and Policy Issues in Science and Technology

The John J. Reilly Center at the University of Notre Dame has begun a year-long project to identify the "2015 List of Emerging Ethical Dilemmas and Policy Issues in Science and Technology." The list contains topics such as astronaut bioethics, artificial life forms, wearable technology, enhanced pathogens, robot swarms and brain-to-brain interfaces. Place your votes at the following link:

<http://reilly.nd.edu/outreach/emerging-ethical-dilemmas-and-policy-issues-in-science-and-technology-2015/vote-on-our-list/>

### CALL FOR VIDEO SUBMISSIONS

### 2015 NAE Engineering for You Video Contest

The National Academy of Engineering (NAE) has outlined 14 game-changing opportunities for the 21st century called the Grand Challenges for Engineering. NAE invites the public to review the 14 Grand Challenges, and then create and submit a 1-2 minute video that shows how achieving one or more of the NAE Grand Challenges for Engineering will lead to a more sustainable, healthy, secure, and/or joyous world. The Grand Prize of \$25,000 will go to the most inspiring 1-2 minute video. The E4U2 Video Contest is open for video submissions from January 5, 2015 to March 2, 2015.

Visit [www.e4uvideocontest.org](http://www.e4uvideocontest.org) for more information. For any additional questions, email [E4Uvideocontest@nae.edu](mailto:E4Uvideocontest@nae.edu).