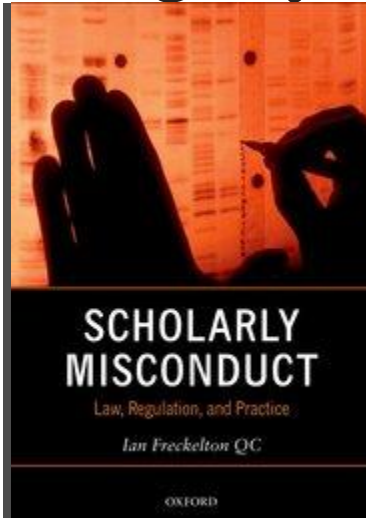


Scholarly misconduct and the integrity crisis



Scholarly Misconduct: Law, Regulation, and Practice

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- BY [IAN FRECKELTON](#)
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Retractions in scholarly journals have reached record levels. Doctorates have been removed from politicians and others for plagiarism, there has been **tasteless denigration of academic colleagues** under cover of academic freedom, researchers have been jailed for fraud, and **conflicts of interest** involving private industry's role at universities have generated notoriety. Sex for marks practices have been exposed.

However, whilst scandals within the research environment occur regularly, rarely are they viewed en masse to identify what lessons can be learned. Where possible, such matters are resolved collegiately and quietly, with apologies and resignations; thereby embarrassments are minimized. Protocols and codes of ethics are written and rewritten. **Articles are withdrawn.** Too often the legal system is manipulated to thwart effective investigations and the ultimate resolution of allegations degenerates into lengthy and bitter disputation. An example of this was the saga that enveloped Christopher Gillberg's data destruction – litigation made its way interminably through the Swedish courts, and then even the European Court of Human Rights.

Miscreants are denounced by whistleblowers, and findings are made one way or the other, often legalistically and belatedly, by internal inquiries, ombudsmen, corruption investigations, external reviews, and courts on appeal. In the end scholarship self-corrects and research entitlements may be withdrawn for a time. Proven malefactors move away from their employing institution sometimes to resurface elsewhere or, like the psychologist Diederik Stapel, in autobiographies.

However, what has been occurring is more than a series of rotten apples in the scholarly barrel. **It is a crisis for the culture of scholarship leading to an attenuation of the trust and respect which should be its hallmarks. And the misconduct has come at a very human cost for patients, fellow researchers, and supervisors, as well as to the detriment of trajectories of research, institutions, and funders.**

The case of [Haruko Obokata](#) is illustrative. Dr Obokata was a medical scientist at a lucratively government-funded Japanese research institution. She claimed to have made a breakthrough in stem cell research and became a household name in her country. Her scholarship was published in *Nature*. Research funds poured in. Her lifestyle became more akin to that of a rock star. However, doubts grew about the reliability of her work – others were unable to replicate her results. Ultimately a tragedy played out in the glare of the media and the shadow of potential criminal prosecution. It emerged that her research was false and that her doctorate was flawed; after an inquiry it was withdrawn. Major articles were retracted. Her supervisor

committed suicide. Research funds for her institution were slashed and in 2015 she was obliged to leave her employment, disgraced, and discredited.

As there are many forms of unethical conduct in research, **conflicts of interest in the scholarly environment can take diverse forms**. One is researchers persisting in trials in spite of the risk of adverse consequences. An instance of this occurred when the New Zealand National Women's Hospital continued trials involving women with a diagnosed cervical cancer precursor without providing treatment when this was the acknowledged proper clinical response. A report by Judge Cartwright [castigated the ethics of the research project](#).

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At the Institute for Human Gene Therapy at the University of Pennsylvania researchers conducted a gene therapy trial, involving Jesse Gelsinger, but failed to make a range of disclosures to participants. After Gelsinger's death, the University [agreed to pay substantial fines](#) and preclusions were placed on a number of researchers' clinical research entitlements in relation to human subjects.

The issue again came to prominence when one man died and four others fell seriously ill during a French drug safety study in early 2016. A trial volunteer started to complain of headaches and blurry vision. He was taken to hospital but the trial was continued with others becoming ill during the day before the volunteer died, rather than informing the remaining participants and enabling them to decide whether they wished to continue. This was in spite of a consent form that promised: "You will be informed about any new significant information that could affect your willingness to continue the trial." A preliminary report published in January 2016 by the [Inspection Générale des Affaires Sociales](#) was highly critical of defects in the process.

The difficulty is that instances of research fraud and conflict of interest continue to occur in spite of even the criminal law entering the domain. In 2015, for example, Dr Dong-Pyou Han, a member of an Iowa State University team which received over \$US19 million in government funding for HIV research, was sentenced to 57 months' imprisonment after his published research outcomes were shown to have been based on outright fabrication.

Such examples, together with scandals in which academics have engaged in sexualised relationships with postgraduate students, including Professors Ezio Camerino in Italy and Colin McGinn in the United States, highlight the need for clear scholarly protocols to clarify obligations, entitlements and expectations. Whether it is necessary to go as far as some United States zero tolerance policies on staff-student sexual relationships, or a proscription upon sexual harassment and conflicts of interest suffices, remains a controversial issue.

Important steps are required in order to regain trust in the integrity of the scholarly environment, as well as in the fruits of scholarship. They need to include appropriate and consistent protocols and standards, as well as the imposition of robust deterrent penalties. There need to be fair, prompt, and rigorous investigative and adjudicative procedures. This is an area in which the law and improved models of investigation and decision-making have a role to play. Whistleblowers must be valued and protected through actions, not just words, but the innocent must also be safeguarded. The culture of contemporary scholarship has to be reframed so that importance is reasserted in the originality of findings, both positive and negative, transparency of data, and so that incentives for publishing methodologically flawed and superficial work are removed. This has repercussions for criteria for academic advancement, for journals' editors and publishers, and for scholarly endeavours generally, so that scholarly values and the checks and balances of ethics committees, supervision, and peer reviewing can be harnessed more effectively.

Featured image credit: I tend to scribble a lot, by Nic McPhee. CC BY-SA 2.0 via [Flickr](#).

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- See more at: <http://blog.oup.com/2016/03/scholarly-misconduct-law/#sthash.MWN771nE.dpuf>