

AMA Manual of Style

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Ethical and Legal Considerations

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This chapter is intended to provide guidance to authors, editors, reviewers, and publishers in the fields of biomedicine, health, and the life sciences. The discussion focuses on ethical and legal issues involved in publication. According to Lundberg, human behavior is regulated by 3 forces: morality, ethics, and law. If personal morality does not regulate acceptable and appropriate behavior, we can rely on ethics. Ethical behavior is determined by norms, principles, guidelines, and policies. This chapter cites examples of the determinants of ethical behavior as they relate to scientific publication. If ethics do not regulate behavior, we are forced to rely on public laws. Examples of cases involving scientific publication when laws have been invoked or enforced are also provided in this chapter. Those ethical and legal considerations and dilemmas most commonly encountered in scholarly scientific publication are the focus of this chapter. References to sources for additional guidance and information not discussed in this chapter are also provided within the text and at the end of each subsection...

Authorship Responsibility

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Some judge of authors' names, not works, and then Nor praise nor blame the writings, but the men. Alexander Pope More than 50 years ago, Richard M. Hewitt, MD, then head of the Section of Publications at the Mayo Clinic, described the ethics of authorship in a JAMA article entitled "Exposition as Applied to Medicine: A Glance at the Ethics of It." The following excerpts from Hewitt's article demonstrate an appreciation of the basic ethical responsibilities and obligations of authorship: Authorship cannot be conferred; it may be undertaken by one who will shoulder the responsibility that goes with it. The reader

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Duplicate Publication

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Wasteful publication includes dividing the results in a single study into two or more papers (“salami sci- ence”); republishing the same material in successive papers (which need not have identical format and content); and blending data from one study with additional data to extract yet another paper that could not make its way on the second set of data alone (meat extenders). Edward J. Huth, MD Duplicate publication is the simultaneous or subsequent reporting of essentially the same information, article, or major components of an article 2 or more times in 1 or more forms of media (either print or electronic

Scientific Misconduct

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We should ignore whining about the supposedly awful pressures of “publish or perish” when we have little credible evidence on what motivates misconduct, nor on what motivates the conduct of honest, equally stressed colleagues. Laziness, desire for fame, greed, and an inability to distinguish right from wrong are just as likely to be at the root of the problem. Drummond Rennie In scientific publication, the phrase scientific misconduct (specifically termed research misconduct by US government regulations and commonly known as fraud) has both ethical and legal connotations for authors and editors. A few studies (with limited methodologies) have estimated the prevalence

Conflicts of Interest

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Of all the causes which conspire to blind Man's erring judgment, and misguide the mind, What the weak head with strongest bias rules, Is pride, the never-failing vice of fools. Alexander Pope A conflict of interest occurs when an individual's objectivity is potentially, but not necessarily, compromised by a desire for prominence, professional advancement, financial gain, or a successful outcome. Conflicts of interest that arise from personal or financial relationships, academic competition, and intellectual passion are not uncommon in science. In biomedical publication, a conflict of interest may exist when an author (or the author's institution, employer, or funder) has financial

Intellectual Property: Ownership, Access, Rights, and Management

Annette Flanagin

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[Will copyright survive the new technologies?] That question is about as bootless as asking whether politics will survive democracy. The real question is what steps it will take to ensure that the promised new era of information and entertainment survives copyright. History offers a clue. Paul Goldstein Intellectual property is a legal term for that which results from the creative efforts of the mind (intellectual) and that which can be owned, possessed, and subject to competing claims (property). Three legal doctrines governing intellectual property are relevant for authors, editors, and publishers in biomedical publishing: copyright (the law protecting authorship and

Confidentiality

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Confidentiality promises are widely recognized as an ethical obligation, regardless of the legal duty accompanying them... maintenance of confidentiality promises fall within editorial discretion. Jeffrey A. Richards The author-editor relationship is an alliance founded on the ethical rule of confidentiality. Confidentiality occurs when a person discloses information to another with the understanding that the information will not be divulged to others without permission. In the context of scientific publication, this rule provides primarily for authors' rights to have the information they submit to a journal,

whether in manuscript form or in communications to the editorial office, kept confidential and a concomitant

Protecting Research Participants' and Patients' Rights in Scientific Publication

Annette Flanagin

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The right of the research subject to safeguard his or her integrity must always be respected. Every precaution should be taken to respect the privacy of the subject and to minimize the impact of the study on the subject's physical and mental integrity and on the personality of the subject. World Medical Association Contemporary rules for protecting the rights of individuals (namely, research participants and patients) in scientific publication have their foundations in doctrines developed during the mid-20th century: the Nuremberg Code, the World Medical Association's Declaration of Geneva, and the World Medical Association's Declaration of Helsinki, as well as the

Defamation, Libel

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Truth is generally the best vindication against slander. Abraham Lincoln Defamation is the act of harming another's reputation by libel or slander and thereby exposing that person to public hatred, contempt, ridicule, or financial loss. Libel is false and negligent or malicious publication involving words, pictures, or signs., Technically and historically, libel has differed from slander in that slander was defined as defamation by oral expressions or gestures and libel was defined as defamation in print. With both libel and slander, resulting liability depends on a third party reading or hearing the defamatory words. With the advent of modern forms of