

# Evidence-based analysis: The rise and fall of Head and Neck Oncology I: the audit and subsequent investigations.

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## Abstract

Head and Neck Oncology, an open access journal with a closed peer-review system, achieved its first official impact factor on the 2<sup>nd</sup> of July, 2012. As a result, it achieved the prestigious status of boasting the highest impact factor of any journal in the head and neck discipline in the world.

On the 4<sup>th</sup> of July, 2012 BioMed Central (the former publisher of the journal) reported serious editorial misconduct following an unannounced internal audit.

On the 6<sup>th</sup> of July, 2012 BioMed Central asked all four Editors-in-chief to stand down or face serious consequences. BioMed Central also stated that they were looking for replacement editors.

On the 11th July, 2012 BioMed Central decided to initiate its first investigation, promising the editors-in-chief a meeting to discuss the upcoming results. BioMed Central also blocked the editors' access to the editorial tools, preventing them from looking at the journal's peer-review history.

On the 1st August, 2012 BioMed Central emailed the editors-in-chief a list of no less than 80 allegations of wrongdoing. The publishing-house requested a 'satisfactory' response within 24 hours or the journal would be closed.

BioMed Central went on to cease publishing Head and Neck Oncology and emailed authors with articles under consideration for the journal and editorial board members to confirm the same. The journal moved to another publisher with its editorial board intact, releasing its first new issue on the 9th September, 2012.

On the 8th of August, 2012 BioMed Central started its second investigation against the journal but this was upgraded on the 15th of August to an article-based investigation.

On 17th of October, 2012 BioMed Central made a formal complaint against the three UK-based editors-in-chief (Colin Hopper, Waseem Jerjes and Tahwinder Upile) to University College London (UCL) and cooperated with a joint investigation that was carried out by University College London (UCL) and University College London Hospitals (UCLH). The investigation found no case to follow up.

BioMed Central's senior staff failed to reach a definitive conclusion regarding any of the allegations against the editors-in-chief.

From the 26th of November to the 6th of December, 2013 BioMed Central began asking Head and Neck Oncology authors to consider post-publication peer-reviews. The publisher stated that if they did not accept the reviews they would put a note, stating that the piece was 'badly handled', next to the authors' articles.

On the 5th of February, 2014 BioMed Central implemented that and added notes next to many of the articles indexed on PubMed and archived in PubMed Central. The notes alleged

that one of the editors-in-chief, Waseem Jerjes, self-handled 15 articles that he co-authored. It is confirmed later in this piece, however, that 3 editorial board members actually handled 9 out of the 15 articles in question.

BioMed Central was asked to send a hard and electronic copy of the journal's peer-review history to the editors for examination. The publisher refused to do so.

From their combined experience, it is the editor's belief, that this is the first time that a publisher has behaved in such a manner against its own editors-in-chief and the academic community of the head and neck oncology discipline.

In a series of communications, I share my experience and scientifically analyse the good and the bad in the hope that it will benefit future generations of academics. The editors-in-chief continue to provide support to the editorial board members, authors and readers of Head and Neck Oncology.

In the following paragraphs, I aim to highlight the issues surrounding the journal and BioMed Central and its senior staff (Deborah Kahn, Jigisha Patel and Shreeya Nanda) regarding the internal audit and the subsequent investigations.

## Introduction

Head and Neck Oncology [ISSN: 1758-3284] is a medical open-access peer-reviewed journal that has been at the centre of several allegations since July 2012. The UK-based publisher and previous owner of the journal, BioMed Central, formally accused the four editors-in-chief of the journal – both individually and collectively – of serious breaches in research integrity

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## Short communication

and publication ethics. Despite investigations and charges of misconduct, BioMed Central failed to reach a definitive conclusion on any of the accounts of wrongdoing. However, during the course of the investigations, serious damage has been caused to the reputations of the four editors-in-chief, the journal and its editorial board members. In a series of short communications, I scientifically analyse objectively the available evidence in regard to Head and Neck Oncology, examining specific areas of interest. In this article, I analyse and discuss the subject of the audit and subsequent investigations which led to the accusations and conflict.

An audit measures an organisation's practice against its standards. Whereby research sets out to discover 'what is the correct thing to do', an audit ascertains whether things are being done in the correct way. An audit is of major importance. It is part of the continuous process of addressing problems, identifying non-conformities and maintaining integrity. It may be part of a routine process to re-evaluate the current system of how things are done or it could be due to:

- Complaints against the organisation
- Failure of a particular project
- Changes to a process

Depending on its purpose and urgency, an audit can be conducted either internally or externally. While external auditors must be appointed from an independent organisation, internal auditors are usually employees of the organisation. In more complex cases, specialist independent auditors would be called in to conduct investigations especially when the issue is of high significance.

A thorough audit usually involves five key stages. First in the cycle, audit preparation requires auditors to gather useful contacts within the organisation before notifying those likely to be included in the investigation. The second step is to select priority points of the audit by

discussing suspected problem areas with leading figures of the organisation. When the audit has started, an auditor will measure performance levels in comparison with the expectations, standards and guidelines of the organisation. The final stages of a well conducted audit focus on making improvements and sustaining them through discussion and/or change. An auditor will usually work closely with leading members of the organisation to generate solutions and implement them into everyday use.

It is an auditor's duty to maintain an unbiased, objective and constructive view throughout the investigation. To produce accurate findings, an auditor must utilise several techniques to gather information. The most basic way of gathering information is by conducting interviews with staff members and associates. This method gives the auditor the chance to cross-examine opinions and procedures on a direct level. If for any reason interviews are not possible, some auditors produce questionnaires or exam papers to determine a staff member's performance and their knowledge of the organisation's standard practice.

Another essential part of any thorough audit is a 'record review'. By inspecting a sample of documents, administrative or legal contracts, auditors can point out clues to problem areas within the organisation. 'Vertical tracking' is another common practice used by auditors. This method follows a specific process from beginning to end; usually by observing the records or documents created before, during or after each action.

For example, in an audit of a journal publication, the auditor will examine records from the first communication between author and publisher/editor, to the final stage of publishing. The auditor will then compare his/her findings with the organisation's policy for that particular process. Transparency is imperative, with an

internal or external audit, in order to achieve its purpose of improving the organisation. A high level of communication is also required; one of the most important stages is to give prior notice of an impending audit. This is usually followed by an 'exit meeting' which is held between auditors and the audited to discuss initial findings.

If the audited are unable to express their reactions to the results, this may be detrimental to its purpose preventing progressive action. The exit meeting gives auditors the chance to gauge the reactions of staff to their findings and can ultimately have an impact on the final report. More importantly, discussing the findings in an open manner gives people the opportunity to protect themselves from anyone who may misinterpret any information found in an audit.

In the short communication that follows, I examine the audit and the subsequent investigations that were carried out by the BioMed Central senior staff. This included Deborah Kahn, the Publishing Director, Jigisha Patel, the Medical Editor and Shreeya Nanda, the Deputy Editor for Medicine and Biology; and also look in depth at the roles of the four accused editors-in-chief, Colin Hopper, Waseem Jerjes, Tahwinder Upile who are all UK-based and Adel El-Naggar who is US-based.

I raise questions about the manner in which the audit, and the subsequent investigations, were proposed and handled; and also look at the methods by which the results were analysed and communicated to the editors-in-chief, taking into account the reactions of the editors to the audit findings.

## Short Communication

### When the pressure was on us, we handled it badly

On the 4th of July, 2012 Jigisha Patel, Medical Editor of BioMed Central, emailed Waseem Jerjes, co-editor-in-chief, to inform him that an internal audit had been conducted on the journal. Jigisha Patel went on to state

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that the investigation had raised concerns about the handling process of manuscripts used in the publication (SC1). Waseem Jerjes, and his three co-editors, had not been given prior notification of any audit, although this is regarded as common practice within most organisations. Jigisha Patel also did not inform the three other co-editors-in-chief of the audit.

Waseem Jerjes responded to Jigisha Patel the following day without consulting his co-editors (SC2). As Waseem Jerjes believed the issue to be a misunderstanding, having already signed another agreement with BioMed Central to launch a second open-access journal (Hard Tissue), he failed to request immediate access to Head and Neck Oncology's raw data to adequately deny the allegations. Instead, Waseem Jerjes admitted no wrongdoing with regards to the handling process but explained the difficulties the journal had faced as a new publication.

On the 6th July, 2012 Deborah Kahn, Publishing Director of BioMed Central, emailed all four editors-in-chief voicing her concerns following the unannounced audit. She went on to allege that there had been breaches in the BioMed Central Code of Conduct, before asking them to stand down from their positions immediately. She also stated that BioMed Central had started to search for replacement editors for the journal (SC3). It is common practice, to ensure development, for an organisation to provide audit results to those involved in the investigation and invite discussion. Although Deborah Kahn stated that the report was attached to the email, it could not be found by any of the editors. Four days earlier, BioMed Central had congratulated the editors-in-chief for their efforts to help the journal to achieve the highest impact factor in the world of head and neck (SC4).

Shocked at the manner in which matters had been dealt with, but continuing to declare his innocence, Waseem Jerjes agreed to stand down

from his post as co-editor-in-chief of the journal (SC5). Another co-editor, Colin Hopper, shocked with the BioMed Central behaviour chose not to reply to the communications.

Shortly prior to that Tahwinder Upile, who was under significant stress, made an uncalculated decision and wrote to Deborah Kahn mentioning that he and Colin Hopper had discussed the issue with Waseem Jerjes and asked him to stand down 'as a remedy' (SC6). Tahwinder Upile, later apologised for his unfortunate decision and declared that his action was due to the stress placed on him by BioMed Central. Another unfortunate email from US-based editor-in-chief Adel El-Naggar, who was not involved in the day-to-day management of the journal, to the publisher stated that he had some concerns in 2010 but had no time to raise them (SC7). Major statements like this could be picked up during an audit, rather than after its completion and data analysis.

On the 11th July, 2012 two of the co-editors-in-chief, Tahwinder Upile and Adel El-Naggar, received an email from Deborah Kahn which thanked them for the concern expressed at the allegations (SC8). Deborah Kahn then went on to state that a more detailed investigation would be carried out, although an audit had only recently been conducted. She said a meeting would be set up to discuss the results of the new investigation with the two editors. Deborah Kahn also said that she would ask University College London (UCL) to investigate Waseem Jerjes' alleged misconduct.

Soon after, Colin Hopper initiated his first communication with Deborah Kahn; he sent a neutral email hoping to calm the situation, especially when the audit data had not been discussed (SC9).

On the 14th of July, 2012 Tahwinder Upile found that he was denied access by BioMed Central to Head and Neck Oncology's editorial tools (SC10). This meant that the editor-in-chief could not view the journal's raw data (peer-

review history) in order to review the allegations made against him (SC11). After writing to Deborah Kahn, almost immediately after realising he was blocked from the data, Tahwinder Upile received an automatic email response (SC12). In order to improve, the audited should be able to view the data which is under investigation. It would be normal practice to hold a meeting to discuss findings in a non-confrontational manner.

On the 1st of August, 2012 another email was sent by Deborah Kahn (after BioMed Central concluded its first investigation following the audit) which stated allegations against Colin Hopper, Waseem Jerjes and Tahwinder Upile (SC13).

Deborah Kahn requested a response to the allegations by the following day, threatening immediate closure of the journal if the editors-in-chief did not comply. It is unusual for auditors to impose such deadlines. It does not lead to harmony amongst those involved and may incite emotions and cause stress from the start.

As a result, Adel El-Naggar, who had little to do with the everyday running of the journal, accepted the findings and suggested ways to solve the problem in an email shortly after Deborah Kahn's communication (SC14). Shocked at the seriousness of the allegations, and overwhelmed by the pressure suddenly imposed on them, Colin Hopper and Tahwinder Upile responded in just less than 10 hours later (SC15). The pressure placed on the editors-in-chief by Deborah Kahn and BioMed Central we consider to be unreasonable.

### **A wake up call: it is never too late to fight back**

The three UK-based editors-in-chief went on to discuss the allegations, before Tahwinder Upile sent a detailed response from the group to Deborah Kahn on the 4<sup>th</sup> of August 2012 (SC16). The response of the three UK-based editors highlighted the concerns they had with the audit and investigation: It also explained that they felt that:

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- The investigative process was flawed: in the case of 'failure to declare the conflict of interests'
- It lacked understanding of certain scientific processes: in the case of differentiating between a diagnostic tool and a therapeutic tool
- It lacked understanding of basic ethical misconduct issues: in the case of plagiarism, duplicate publication and citation manipulation
- It had misidentified 13 meeting abstracts as 'articles'.

The UK-based editors-in-chief, appreciating the sensitivity of these issues, offered the publisher an opportunity to discuss the audit in a face-to-face meeting. The editors argued that, at this point, the whole situation could have been resolved by BioMed Central by:

- Apologising to all the editors-in-chief, especially the UK-based ones, for the distressing emails and offer them assurances that this would not re-occur in the future;
- Apologising to the editors-in-chief, particularly Waseem Jerjes, for the conduct of BioMed Central staff regarding the internal audit and first investigation and offer immediate access to the data by activating the editors-in-chief accounts.
- Declaring who provided the potentially defamatory information that suggested that there was a conflict of interest with two GMC-registered doctors (Colin Hopper and Waseem Jerjes) and a cancer therapy.

On the 7<sup>th</sup> of August, 2012 Deborah Kahn announced to the four editors that BioMed Central had made the decision to close the journal ([SC17](#)). Deborah Kahn stated that the publisher could not continue publishing the journal because it would 'damage the reputation both of the publishing house and the editors-in-chief'. In contrast to this statement, however, BioMed Central has released to the public domain damaging materials regarding the journal and its editors-in-chief.

Tahwinder Upile responded to the statement and informed Deborah Kahn that as the UK-based editors-in-chief no longer wished to work with BioMed Central, he believed the decision to cease publishing was for the best. Mr Upile also made an enquiry on the status of a new BioMed Central journal, named *Hard Tissue*, edited by Waseem Jerjes, Colin Hopper, Brian Wong, Charles Rosen, Peter Giannoudis and himself ([SC18](#)). All the editors-in-chief agreed that they did not wish to have any further dealings with the publisher.

After much discussion, the three UK-based editors-in-chief decided to re-launch the journal with another publisher. Tahwinder Upile proceeded to send Deborah Kahn another email which notified her that she would be informed of a 'handover process' ([SC19](#)). The publishing house was obliged to transfer any title rights if it ceased publication of the journal ([SC20](#)). BioMed Central placed this section in the agreement with its editors-in-chief to 'enable them to continue the journal, either independently or in cooperation with another publisher'. The editors-in-chief do not consider that BioMed have abided by this obligation.

#### BioMed Central

On the 8<sup>th</sup> of August, 2012 BioMed Central posted a statement online on the front page of the journal website ([SC21](#)). The message referred to the internal audit (and not the first investigation), included several statements which were detrimental to the editors-in-chief and was made public without prior notice to the editors. This message also mentioned that BioMed Central was conducting a 'detailed investigation' (the second investigation). The message included an email address to encourage authors to write to BioMed.

I consider that professional audit procedures should have been followed before any postings about results or statements were made, and that the statement should have been transparent and included the results

of the internal audit as well as the results of the first investigation.

The editors-in-chief responded to the online statement with an email to their former publisher. They notified BioMed Central that as ownership had now been transferred in agreement with their contract, the publisher had no right to announce closure of the journal ([SC22](#)) but should merely state that it had "ceased" its publishing.

The same day, Deborah Kahn emailed editorial board members of the journal. This email also stated that the journal had been closed due to ethical reasons ([SC23](#)). The editors-in-chief were not informed. When contacted by a member of the editorial board, Deborah Kahn went on to confirm that BioMed Central is conducting a comprehensive investigation (the second investigation) to examine whether the best practice in publishing were followed within the journal ([SC24](#)).

Also on the 8<sup>th</sup> of August, BioMed Central's Journal Development Editor, Philip Dooner, emailed authors who had submitted articles. Philip Dooner offered the authors a chance to transfer any yet to be published articles to the BioMed Central owned journal, *BMC Cancer* ([SC25](#)). Although making such offers could have seriously affected the publication of *Head and Neck Oncology*, Philip Dooner did not copy the editors-in-chief in on any of the emails or notify them of his actions.

Although leading figures of the publishing house had stated 'serious concerns' about the articles, the production team at BioMed Central continued to finalise these articles for publication ([SC26](#)). On the 10<sup>th</sup> of August, 2012 Tahwinder Upile sent an email to Deborah Kahn to finalise the relationship between the *Head and Neck Oncology* editors and BioMed Central ([SC27](#)). All the editors and their colleagues were very eager to end all dealings with BioMed Central and its staff due to the practices of the UK-based publisher regarding its audit organisation and conduct of investigations.

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Deborah Kahn responded to Tahwinder Upile on the 15th of August, 2012 to address several points the editors had previously raised ([SC28](#)). Ms Khan confirmed the following concerning issues:

- That the first BioMed Central statement ([SC21](#)) against the editors-in-chief and the journal was a 'neutral and no fault statement'. The editors consider the statement to be untrue and defamatory.

- She mentioned that Tahwinder Upile should have personally asked for his access to raw journal data to be restored. It would be common practice, however, for a Publishing Director, to encourage all the editors-in-chief to access the editorial tools and raw data so they could comment on the audit and the subsequent investigation findings.

- Deborah Kahn stated that she is happy to share all the peer-review history of BioMed Central with the editors but this not happened. She stated that BioMed Central had not denied or been asked to carry out an independent review of the peer-review history. The editors consider this process was essential, especially prior to making several serious (potentially career damaging) accusations against 3 GMC-registered doctors and prominent academics.

- She went on to upgrade the second investigation into an article-based investigation. I am referring to this as the "third investigation". Obviously the second investigation was unlikely to make more allegations than the audit and first investigation, so it appears that the publisher decided to proceed to an article-based investigation, which the editors-in-chief consider to be unusual.

The following demonstrates how the auditing practice led to a stream of confusing communications:

Tahwinder Upile responded to Deborah Kahn to highlight the joint concern of the editors-in-chief regarding the statement posted on the journal's former website ([SC29](#)). He went on to highlight many serious

concerns about the conduct of the BioMed Central audit and first investigation, as well as the unusual conduct of BioMed Central's staff. He was also concerned at BioMed Central trying to take articles from the journal without authority to do so ([SC20](#)).

The Editors-in-chief had already sent a formal communication to their editorial board members on the 9th of August, 2012. The email explained that although Head and Neck Oncology would no longer be published under BioMed Central, the journal would be hosted elsewhere and would maintain its impact factor ([SC30](#)). The editorial board made a unanimous decision to support the editors-in-chief and the journal with a new publisher. It was a difficult time for all involved, especially, with emails sent by editorial board members raising further concerns ([SC31](#)). More emails were sent to submitting authors ([SC32](#)) and the editors-in-chief had to deal with many emails from the understandably worried authors ([SC33](#)).

Philip Dooner continued with attempts to take articles from the journal ([SC34](#)). Subsequently, the editors-in-chief had to deal with the resulting damage ([SC35](#)). On the 1<sup>st</sup> of September, Philip Dooner sent the editors-in-chief an update of the journal's Google Analytics report ([SC36](#)).

The editors-in-chief received confirmation that the National Library of Medicine would continue to track and index the journal ([SC37](#)) and that Thomson Reuters would also continue to track the journal to maintain the impact factor ([SC38](#)).

On the 3<sup>rd</sup> of September, Tahwinder Upile wrote on behalf of the editors-in-chief of Hard Tissue who agreed unanimously that they did not want any further dealings with the publisher. Tahwinder Upile wrote to Matthew Cockerill, Managing Director at BioMed Central ([SC39](#)). Matthew Cockerill responded positively to the email on the 12<sup>th</sup> of September ([SC40](#)).

The Head and Neck Oncology journal was now back on track and the editors-in-chief and editorial board had managed to overcome their differences in a positive climate of transparency and openness. The first issue of the journal, under the new publisher, was released on the 9<sup>th</sup> Sept, 2012 ([SC41](#)) and immediately indexed by PubMed ([SC42](#)).

### The planned investigation of the medical doctor Jigisha Patel

On the 19<sup>th</sup> of September, 2012 Jigisha Patel started to email several authors who had previously been published in Head and Neck Oncology. She stated that the journal had now been closed, rather than transferred to another publisher, and that she would be conducting a detailed investigation into their articles. As part of her planned investigation, Jigisha Patel requested that the authors submit several sensitive documents ([SC43](#)). This included patient consent forms and ethics committee approvals. This was part of BioMed Central's 'third investigation'. The investigation involved looking at the research ethics of articles in a journal that was now being published by another publisher.

When two authors (editors of the journal) emailed her stating that the appropriate documents would be sent to the editors-in-chief ([SC44](#)), BioMed Central's Medical Editor wrongly informed them that the journal had closed and in fact had no editors-in-chief ([SC45](#)).

On the 4<sup>th</sup> of October, 2012 Jigisha Patel continued to send emails to Head and Neck Oncology authors. The editors-in-chief do not consider that she had a right to do this. Nevertheless, she set deadlines, suggesting she would report the authors to their institutes and that if she was not satisfied, she would start the process of retracting the articles (some examples: [SC46](#)). Tahwinder Upile responded, highlighting some ethical concerns about her emails, and the Director of BioMed Central (Matthew Cockerill) was also copied in. Neither of them responded ([SC47](#)).

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### The last stand of the editors-in-chief – UCL/UCLH investigation

On the 17<sup>th</sup> of October, 2012 Jigisha Patel, having received no positive response from any scientist or clinician, wrote to Waseem Jerjes, Tahwinder Upile and Colin Hopper mentioning that BioMed Central had ‘referred their concerns to University College London (UCL) for further investigation’ (SC48). Until now it is not known if the Medical Editor had written to any other institute or university about the alleged BioMed Central ‘concerns’.

To the editors’ knowledge, it was only directed at the three UK-based editors-in-chief. It is known, however, that several scientists and clinicians from all around the world have suffered stress due to the emails that have been sent by BioMed Central senior staff members.

Jigisha Patel was very confident that University College London (UCL) would carry a further investigation. The editors-in-chief failed to understand this concept to date, and are yet to obtain a copy of the BioMed Central letter to University College London (UCL). Tahwinder Upile responded to her email on the same day (SC49), and referred to the systematic programme of what he considered to be harassment and bullying of the editors-in-chief by BioMed Central, while Colin Hopper and Waseem Jerjes chose to ignore her.

University College London (UCL) has an ethical obligation to investigate any current or former student or staff if serious concerns arise especially if it involves patients. At present, Waseem Jerjes is writing up his second doctorate thesis at University College London (UCL). Waseem Jerjes was an ex-employee of UCL, practicing under the title of Senior Clinical Research Associate and he has completed both a medical (MBBS) and a Master’s degree from University College London (UCL). Tahwinder Upile was both an ex-employee and ex-student of University College London (UCL).

Lead	Jigisha Patel
Source of data	Head and Neck Oncology peer-review history
Duration	1-2 days
Audited	Colin Hopper, Waseem Jerjes, Tahwinder Upile and Adel El-Naggar
Audited informed of audit	No
Audited allowed to access the data	No
Independent party involved	No
Transparent	In Dispute
Quality of data	no access given to audited and no independent party involved
Accusations	Against Waseem Jerjes: - Poor editorial handling - Editor handling own articles Against Colin Hopper, Tahwinder Upile and Adel El-Naggar: - Failure to act
Data analysis and interpretation	Unilateral by BioMed Central
Meeting carried out to discuss results	No
Outcome	Editors (especially Waseem Jerjes) guilty but BioMed Central decides to carry out an investigation

University College London (UCL) did not contact Waseem Jerjes and Tahwinder Upile about the Jigisha Patel letter. Naturally, it was a huge relief that University College London (UCL) had decided not to look at the Biomed Central allegations against them. There was great disappointment, however, when UCL decided to investigate Colin Hopper regarding the BioMed Central allegations. The first UCL letter was on the 6<sup>th</sup> of December, 2012. The allegations included:

- Editorial misconduct
- Abuse position as co-editor-in-chief
- Author misconduct (copyright infringement, plagiarism and failure to acquire consent for publication of patients’ images).
- Research misconduct during clinical research carried out at UCLH (failure to obtain ethics committee consent, failure to obtain informed consent from patients, failure to register sponsorship of studies and breach of Human Tissue Act).

During the same time frame, the current publisher of Head and Neck Oncology received communications from Thompson Reuters (SC50, SC51, SC52). A final email was received from the organisation on the 15<sup>th</sup> of March 2013 stating that it was cutting ties with the journal and revoking its impact factor (SC53). Although the editors-in-chief are yet to fully understand why the journal was dropped, the matter will be discussed in the near future.

On the 26<sup>th</sup> of March, 2013 PubMed Central sent a follow-up communication to the current publisher of the journal stating that ‘PubMed Central still consider BioMed Central the owner of the journal’ and that it ‘received no information about the outcome of the investigation’ (SC54). On the 8<sup>th</sup> of April, 2013 the publisher received a PubMed Loader Report rejecting all the recently uploaded Head and Neck Oncology articles with a message of ‘wrong provider’ next to every article (SC55). Upon inquiry from

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PubMed, the publisher received an identical communication to the one it received from PubMed Central on the 11<sup>th</sup> of April (SC56). The fact that PubMed decided to drop the journal without prior notice has caused great embarrassment to the editors-in-chief, editorial board members, and the current publisher of the journal. This issue will also be discussed in depth in another short communication.

On the 23<sup>rd</sup> of April, BioMed Central replaced its initial online statement about the journal and its editors-in-chief with a new one (SC57). The new statement announced that BioMed Central had 'ceased to publish the journal' rather than 'closed the journal'. Furthermore, it stated that 'BioMed Central have been co-operating with the joint investigation being carried out by University College London and University College London Hospitals'. I consider it is reasonable to suggest that BioMed Central had provided all the evidence it had against Colin Hopper, Waseem Jerjes and Tahwinder Upile regarding the joint UCL and UCLH investigation. As a result, BioMed Central is likely to accept the outcome of this investigation.

To summarise the BioMed Central internal audit and 3 subsequent investigations, accusations and outcomes (see tables 1, 2, 3 and 4):

On the 23<sup>rd</sup> of April, Colin Hopper received a letter from University College London regarding the Head and Neck Oncology investigation. The following subjects were raised during the investigation:

- The idea behind Head and Neck Oncology and how it was initiated
- The responsibilities of the editors-in-chief
- The day-to-day management of the journal including organising the peer-review of the submitted articles
- Duties of junior editors-in-chief (Waseem Jerjes and Tahwinder Upile) and senior editors-in-chief (Colin Hopper and Adel El-Naggar)

- The unusual allegations and timing of allegations of BioMed Central
- The possibility of a third party feeding BioMed Central half-truths
- Discussing in detail every single article where BioMed Central alleged: failure to declare conflicts of interest, plagiarism, duplicate publication and citation manipulation.

Mr Hopper stated that: "Waseem Jerjes and Tahwinder Upile were responsible for co-ordinating the day to day running of the journal (e.g. organising peer review of papers submitted). Adel El-Naggar and I were more senior people on the editorial board who gave the journal greater

academic credibility. Everything was going exceptionally well without problems until the journal gained its first impact factor which ranked it as the highest in the head and neck discipline in the world. Then, suddenly, on the same week there was a deluge of complaints about the journal from the publisher....BioMed Central made over 80 accusations against us including editorial mishandling, failure to declare commercial conflicts of interests, plagiarism, duplication, citation manipulation and others...I was very suspicious of the allegations, particularly the timing of them being submitted just after the citation index results were published...I have been

**Table 2: BioMed Central First investigation.**

<b>Lead</b>	Deborah Kahn
<b>Source of data</b>	Head and Neck Oncology peer-review history and published articles and abstracts
<b>Duration</b>	20-22 days
<b>Investigated</b>	Colin Hopper, Waseem Jerjes, Tahwinder Upile and Adel El-Naggar
<b>Investigated informed of it</b>	Yes
<b>Investigated allowed to access the data</b>	No
<b>Independent party involved</b>	No
<b>Transparent</b>	In Dispute
<b>Quality of data</b>	no access given to Investigated and no independent party involved
<b>Accusations</b>	Against Waseem Jerjes: - Poor editorial handling - Editor handling own articles Against Colin Hopper and Waseem Jerjes: - Failure to declare conflict of interests Against Colin Hopper and Waseem Jerjes: - Plagiarism - Duplicate publication Against Colin Hopper, Waseem Jerjes and Tahwinder Upile: - Duplicate publication - Citation manipulation Against Colin Hopper, Waseem Jerjes, Tahwinder Upile and Adel El-Naggar: - Failure to act
<b>Data analysis and interpretation</b>	Unilateral by BioMed Central - Quality of investigative process, understanding of publication misconduct and scientific processes all in dispute.
<b>Meeting carried out to discuss results</b>	No
<b>Outcome</b>	- Editors (especially Colin Hopper, Waseem Jerjes and Tahwinder Upile) guilty - Cease publication of the journal - Need one more investigation

**Competing interests and conflict of interests: Declared in the article.**  
 All authors contributed to conception and design, manuscript preparation, read and approved the final manuscript.  
 All authors abide by the Association for Medical Ethics (AME) ethical rules of disclosure.

**Table 3 BioMed Central Second investigation.**

Lead	Deborah Kahn
Source of data	Head and Neck Oncology peer-review history and published articles and abstracts
Duration	7-9 days
Investigated	Colin Hopper, Waseem Jerjes, Tahwinder Upile and unknown number of people
Investigated informed of it	Yes
Investigated allowed to access the data	No
Independent party involved	No
Transparent	In Dispute
Quality of data	no access given to Investigated and no independent party involved
Accusations	No accusations have been made as upgraded into article-based investigation
Data analysis and interpretation	Unknown
Meeting carried out to discuss results	No
Outcome	Unknown

through all Biomed Central's allegations...after August 2012, my colleagues and I severed relationship with Biomed Central who no longer publishes our journal and it is now with a different publisher...the allegations were nonsense...there was no case of plagiarism as we were quoting our own papers and included all the references and I vouch for the clinical accuracy of the papers...we had certainly adhered to Biomed Central's guidance when carrying out our editorial duties for the Journal and have certainly adhered to the COPE guidelines, and there was no reason for concern...I was the consultant responsible for all the studies and we have ethics and consents from patients for the published images...theatre practice was such that one could not take photos without clear patient consent...one publication was a clinical audit and would not therefore have required ethical approval...the samples were not registered under the Human Tissues Act because our study was based on pathology reports...all published short communications underwent peer-review. My colleagues and I were accused of getting our friends to review papers, it was difficult to publish in completely independent journals because PDT and Head and Neck research were niche topics and I was on the board of a number of other journals in this field...There were half-truths in the allegations of failure to declare conflicts of interests, I didn't think it was someone with whom I had worked closely [who fed the

information to BioMed Central], otherwise they would not have made the errors they had. They were malicious allegations...We didn't deal with our own papers preferentially and we have evidence to show that the timescales from submission to publication of papers were similar for all contributors...My colleagues and I have used a series of images and these have been adapted with our own permission, as we were the authors of the original study. The allegation of copyright infringement was a technicality, as we should have got the publisher's agreement to publish the images, even though we were the originating authors...All these papers have been written by myself and my colleagues. The introduction to each paper cited the source papers and they were all referenced, with credit given to the original authors, namely us...I would need to check with Lasers in Medical Science whether we had breached the publishing rules or not, but it wasn't plagiarism."

The investigating committee requested some further information about some of the published articles, including consent forms and ethics committee approvals. UCL requested that two issues to be addressed before a decision is made:

- To publish a small erratum regarding "Head and Neck Oncology 2012;4:5" stating that ethical approval and informed consent were not required as this was a clinical audit.
- To write to Lasers in Medical Science (a Springer owned journal) to clarify the issue about one article with

regards to any potential copyright infringement.

Colin Hopper wrote to Keyvan Nouri, Editor-in-Chief of Lasers in Medical Science about the issue of similarities of some paragraphs and the licence for use of the images (SC58). On the 3<sup>rd</sup> of July, Sverre Klemp (senior editor in clinical medicine at Springer, the owner of Lasers in Medical Science) wrote back (SC59) saying that it was possible to apply for image licences in retrospective and the issue of text similarity should be dealt with by the editors-in-Chief of Head and Neck Oncology. Waseem Jerjes submitted the application for image licence at the Copyright Clearance Centre of Springer (SC60, SC61) and it was granted on the 16<sup>th</sup> of July (SC62). Springer is the owner of BioMed Central.

On the 22<sup>nd</sup> of August, Waseem Jerjes wrote UCL as a co-author of the articles in question (SC63), providing the requested evidence, copy of erratum (SC64). Soon after, University College London (UCL) decided that there was no case to answer regarding the BioMed Central allegations.

In response to the findings of the University College London (UCL) investigation, BioMed Central replaced the second online post with a third one. This editor's considered that the statement was again potentially defamatory (SC65). The statement indicated that Colin Hopper had been cleared but Waseem Jerjes and Tahwinder Upile had not. The statement admitted that there was

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“absence of definitive conclusions about all the concerns raised by BioMed Central’s audit”. Not satisfied with the decision from University College London (UCL), BioMed Central continued to block development of the journal and did not attempt to correct its accusations against the editors-in-chief or the journal.

At this point the editors-in-chief had serious concerns that further practices from BioMed Central could compromise the integrity of the previously published articles. The journal website immediately posted a declaration about the old website (hosted by BioMed Central) (SC66). Shortly after, Colin Hopper, Waseem Jerjes and other world-class clinicians and scientists formed the organisation ‘Publication Integrity and Ethics’ (SC67).

### The Publishers’ notes I

From the 26<sup>th</sup> of November to the 6<sup>th</sup> of December 2013, Shreeya Nanda (Deputy Editor for Medicine and Biology of BioMed Central), who had not as far as the editors are aware been a part of the investigation, sent emails to authors of published articles in Head and Neck Oncology. The emails requested that authors should consider a post-publication peer-review, with a consequence if they did not. The consequence was the insertion of a ‘publisher’s note’ next to their article stating it had been ‘badly handled’. Shreeya Nanda, having received no positive response from any scientist or clinician, then cited this information which was published later on as a comment about these articles in the BMC Medicine (the flagship journal of BioMed Central). We understand that many of the worlds’ leading scientists and clinicians, specialising in the head and neck discipline, were shocked at this action.

It would appear that two sets of emails were sent by Shreeya Nanda on that day. (1) Emails to authors known to the editors-in-chief who had published with them before, including the editors-in-chief themselves

Table: 4 BioMed Central Third investigation.	
Lead	Jigisha Patel
Source of data	Head and Neck Oncology peer-review history and published articles and abstracts
Duration	33-35 days
Investigated	Colin Hopper, Waseem Jerjes, Tahwinder Upile and unknown number of people
Investigated informed of it	Yes
Investigated allowed to access the data	No
Independent party involved	No
Transparent	In Dispute
Quality of data	no access given to Investigated and no independent party involved  Quality of investigative process, understanding of publication misconduct and scientific processes all in dispute.
Accusations	<ul style="list-style-type: none"> <li>- Abuse position as co-editors-in-chief</li> <li>- Poor editorial handling</li> <li>- Co-Editor-in-chief handling own articles</li> <li>- Author misconduct</li> <li>- Failure to declare conflict of interests</li> <li>- Plagiarism</li> <li>- Duplicate publication</li> <li>- Citation manipulation</li> <li>- Copyright infringement</li> <li>- Failure to acquire consent for publication of patients images</li> <li>- Research misconduct during clinical research carried out at UCLH</li> <li>- Failure to obtain ethics committee consent</li> <li>- Failure to obtain informed consent from patients</li> <li>- Failure to register sponsorship of studies</li> <li>- Breach of Human Tissue Act</li> </ul>
Data analysis and interpretation	Unilateral by BioMed Central
Meeting carried out to discuss results	No
Outcome	Editors (especially Waseem Jerjes, Colin Hopper and Tahwinder Upile) guilty and all 3 reported to UCL. Unknown if other authors were reported to their institutes.

(SC68), and authors who were not known to the editors-in-chief in person (see some examples SC69). The editors believe, however, that there have been at least 25 emails sent out to no less than a hundred authors. In the communications she sent to the editors-in-chief, she made what we consider to be false or misleading statements about many issues:

1-Shreeya Nanda made a very serious allegation in that Waseem Jerjes

personally handled 15 articles which he co-authored himself. If this was true then why was Waseem Jerjes not reported to the General Medical Council (GMC) for dishonest conduct?

2- She mentioned that: ‘BioMed Central closed the journal’.

BioMed Central cannot close the journal; it can only cease its publication according to the agreement signed by the parties.

**Competing interests and conflict of interests: Declared in the article.**  
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 All authors abide by the Association for Medical Ethics (AME) ethical rules of disclosure.

**Table 5: The list of articles co-authored by Colin Hopper and Waseem Jerjes and many other authors and BioMed Central claims that they have all been 'apparently' handled by Waseem Jerjes.**

Article	Handling Editor
Spinal metastasis in thyroid cancer	<b>M. Al-Khawalde</b>
Analysis of the compatibility of dental implant systems in fibula free flap reconstruction	<b>M. Al-Khawalde</b>
Spinal metastasis in head and neck cancer	<b>H. Radhi</b>
A patient with primary Burkitt's lymphoma of the postnasal space: case report	Currently unknown
Oral sex, cancer and death: sexually transmitted cancers	Currently unknown
Solitary giant neurofibroma of the neck subjected to photodynamic therapy: case study	<b>H. Radhi</b>
Structural validation of oral mucosal tissue using optical coherence tomography	<b>H. Radhi</b>
A patient with ulcerated calcifying epithelioma of Malherbe in the pinna: case report	Currently unknown
'Branchial Cysts' within the Parotid Salivary Gland	Currently unknown
The use of specific anti-growth factor antibodies to abrogate the oncological consequences of transfusion in head & neck squamous cell carcinoma: An in vitro study	Currently unknown
CO2 lasers in the management of potentially malignant and malignant oral disorders	<b>H. Radhi</b>
Photodynamic therapy in the management of potentially malignant and malignant oral disorders	<b>H. Radhi</b>
Delay in pathological tissue processing time vs. mortality in oral cancer: Short communication	Currently unknown
The effect of tobacco and alcohol and their reduction/cessation on mortality in oral cancer patients: short communication	<b>M. Al-Khawalde</b>
cTNM vs. pTNM: the effect of not applying ultrasonography in the identification of cervical nodal disease	<b>R. Carbiner</b>

3- She uses the statement 'a subsequent institutional investigation is now complete' referring to a joint UCL/UCLH investigation which found no case to answer.

According to BioMed Central in its statement that there was an 'absence of definitive conclusions about all the concerns raised by BioMed Central's audit'. Furthermore, the institutional investigation was not subsequent to the internal audit; in between there were 3 investigations: 'further more detailed investigation', 'another detailed investigation' and a 'detailed article-based investigation'.

4- She stated that Biomed Central would be 'publishing an update about the status of the journal'.

She did not mention that BioMed Central had no ownership rights of the journal since August 2012.

5- The publishers' notes begin: 'this article was apparently handled by Waseem Jerjes...'

BioMed Central were previously confident that there was mishandling by Waseem Jerjes and used that as their basis of allegations against him.

Shreeya Nanda also stated to some authors:

"...If you are concerned about your article, we would be happy to arrange for it to undergo post-publication peer-review with the option of publishing a revised version if appropriate. Please let us know if you would like to pursue this course of action."

This raised the following concerns:

- 1-BioMed Central does not own the articles
- 2-How can you carry out a post-publication peer-review without the consent of the editors-in-chief?
- 3-How can you carry out a post-publication peer-review if you do not own the journal?
- 4-If the peer-review was carried out and a revised version needed to be published, where did BioMed Central plan to publish it?

Any audit/investigation should have clarification to establish fact and decision-making in a neutral, arbitrary environment. There should be a methodical, planned approach.

Fortunately, Head and Neck Oncology has multiple loyal authors which they

contacted, raising their concerns about the practices of BioMed Central and requesting support. As soon as we were alerted to the fact that BioMed Central was again emailing authors, we acted accordingly and emailed all the authors who we expected to have received communications on the 10<sup>th</sup> of December ([SC70](#)).

As far as we know, no author of the 41 articles paid any attention to the publisher's notes.

Shreeya Nanda, having received no positive response from any scientist or clinician, as far as we are aware, then cited this information which was published later on as a comment about these articles in the BMC Medicine (the flagship journal of BioMed Central).

#### The Publishers' notes II (BMC Medicine and indexing in PubMed and archiving on PubMed Central)

On the 5<sup>th</sup> of February 2014 BioMed Central made a further move. BMC Medicine (the flagship of BioMed Central with an impact factor of 6.68) published a comment which the editors consider highly controversial ([SC71](#)). BMC Medicine appears to have received the comment on the 29<sup>th</sup> of January from the author BioMed Central

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(Correspondence: BioMed Central, Floor 6, 236 Gray's Inn Road, London WC1X 8HB, UK info@biomedcentral.com). The comment was accepted on the same day. I raise some concerns about the editorial handling and peer-review of this comment as it is of high significance.

Who screened this comment? Who acted as the handler of this comment? Why was it considered relevant to BMC Medicine, when it didn't fall within the scope of the journal? Why didn't BioMed Central include a section of conflicts of interest/competing interests, was the comment peer-reviewed? Was it sent for external peer-review, as it was of high significance? What were the peer-reviewers' reports? Did this comment adhere to BioMed Central's editorial policies? What is the significance of this review to the medical sciences to be published in a journal of such high impact factor? (See about BMC Medicine, [SC72](#)).

The comment itself doesn't give any new information but does not cover some facts which I consider necessary:

1. Who conducted the audit? We consider that the authors needed to be included or at least acknowledged.
2. There is no mention of the audit design, data collection and analysis, and results or data revalidation.
3. There is no mention in this audit if the audited (the Editors-in-Chief) were given the chance to explain the findings or suggest a method of improvement to implement change.
4. There is no mention of the three BioMed Central investigations that followed the audit: (a) further more detailed investigation (b) another detailed investigation according to the results of the first (c) continuing investigations by carrying out a detailed article-based investigation.

5. There is no mention where all the audit data came from and whether the audited had a chance to examine the data, or whether an independent party was involved or not.

6. There is no mention of any declaration of conflicts of interests or competing interests.

7. There is no mention of the data analysis and the statistical methods used.

8. The comment was submitted on the 29<sup>th</sup> of January and accepted on the same day. The abstract states "*This comment relates to articles published in archived content of the journal Head and Neck Oncology and is not related to the content of BMC Medicine in any way*".

9. The first paragraph of the comment is an exact repeat of the abstract: "*This comment relates to articles published in archived content of the journal Head and Neck Oncology and is not related to the content of BMC Medicine in any way*".

10. Paragraphs 2,3,4 and 5 are a replica of the third 'published' BioMed Central statement on the archived Head and Neck Oncology website.

11. The entire publisher's notes include the same statement: '*this article was apparently handled by Waseem Jerjes*'. I consider it would have been more appropriate to define this by looking at the confidence level and/or confidence interval.

Waseem Jerjes and Colin Hopper have already raised concerns about the BioMed Central internal audit ([SC73](#)) in a statement published in Head and Neck Oncology.

On the 18<sup>th</sup> January, 2014 following legal advice, Waseem Jerjes emailed a limited group of colleagues ([SC74](#)) to try and identify who had actually handled the articles he co-authored. This became a concern, especially when BioMed Central appeared to plan to publish its disputed findings of

the internal audit. Waseem Jerjes received two positive responses on the same day (Hani Radhi - [SC75](#), Mohammed Al-Khawalde - [SC76](#)) and a third on the 3<sup>rd</sup> of February (Ramin Carbiner - [SC77](#)).

An audit should be impartial; it is based purely on fact finding and establishing correct procedures. It is worth mentioning that the three surgeons (Hani Radhi, Mohammed Al-Khawalde and Ramin Carbiner) have worked with Waseem Jerjes, Tahwinder Upile and Colin Hopper as well as many other clinicians and scientists in the head and neck discipline. They have co-authored a number of articles with the UK-based editors-in-chief and some have been published in Head and Neck Oncology.

Hani Radhi, Mohammed Al-Khawalde and Ramin Carbiner handled nine out of the fifteen articles co-authored by Waseem Jerjes; the BioMed Central audit seemed to suggest that they were all handled by Waseem Jerjes. The three editorial board members have all undertaken postgraduate degrees at University College London (UCL) and have undertaken specialist academic training in lasers, optical diagnostics, and photodynamic applications as well as other oral and maxillofacial disciplines, hence why they were in a unique position to handle these articles.

On the 14<sup>th</sup> February, the editors' solicitors wrote to the BioMed Central solicitors and formally requested 'that BioMed Central make available all evidence obtained in the course of its investigation/internal audit, both in hard copy and electronic form within seven days'. It was expected that BioMed Central have this data ready at hand as this was their only evidence against the editors-in-chief.

It has been almost six months since this formal request and the editors are yet to receive the data. With the data, the editors would be able to share any findings and concerns with BioMed Central. Currently nine have been handled by other editorial board members and not by Waseem Jerjes, contrary to the BioMed Central internal

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audit and comment in BMC Medicine, (Table 5).

It is still unknown why BioMed Central chose to publish this comment from a disputed audit in BMC Medicine. BMC Medicine has a highly skilled editorial board (SC78). I believe that these editorial board members had the right to know that BioMed Central was planning to publish a comment about a disputed audit. Furthermore, BMC Medicine has the largest group of statistical advisors available (SC79). I do not know if any were consulted to comment on the audit and the subsequent investigations. This issue will be discussed in depth in other short communications as part of this series. The BMC Medicine article citation can be found on PubMed (SC80) and PubMed Central (SC81)

#### “Retraction Watch”

On the 26<sup>th</sup> of November, an American website which publishes information about retracted articles, posted BioMed Central’s online statement under the title of ‘*Head-spinning: Publisher to post dozens of notices of concern following investigations into editors-in-chief*’ (SC82).

It would appear that BioMed Central have had some form of communication with the website, which is called “Retraction Watch”, as the website clearly states: “...*The publisher tells us that they will be posting notices on articles of concern covered by the time period of their audit, on some 40 articles. They’ve also offered post-publication peer-review to all of the affected authors...*”

In the same post, Retraction Watch makes potentially defamatory statements about Waseem Jerjes and Colin Hopper. The campaign involves many American-based entities:

1. Jeffrey Beall, an American-based librarian, who described the current publisher of Head and Neck Oncology as a ‘*potentially predatory publisher*’ on the account of the BioMed Central statements.

2. Retraction Watch stating that the current website of Head and Neck Oncology is only ‘*another site using the journal’s name*’.

3. Jonathan Eisen, an American-based scientist and Editor of PLoS Biology, used his blog to undermine the reputations of the Editors-in-Chief and the new organisation they formed (Publication Integrity and Ethics). Jonathan Eisen posted a blog under the title: ‘*Strange email of the week: Publication Integrity and Ethics*’ after he received an invitation to become an affiliate member of the organisation free of charge (SC83).

4. An anonymous blogger called Neuroskeptic (appears to be either American-based or UK-based, but introduces himself as a UK national who claims to have multiple occupations including as a psychiatrist, psychologist, neuroscientist and a news reporter) made allegations that the new ethics organisation (led by Colin Hopper and Waseem Jerjes) had plagiarised from COPE and other entities. This blogger has used the website of a US-based magazine under the title of ‘*The Strange Case of Publication Integrity and Ethics*’ (SC84) and the blog of Jonathan Eisen as a platform for his attacks. Fortunately, COPE contacted Publication Integrity and Ethics and the situation is clarified through a series of communications between Waseem Jerjes and Virginia Barbour (Chair of COPE and Medicine Editorial Director of PLOS), (SC85).

#### Discussion

I consider the case of Head and Neck Oncology journal highlights the importance of conducting an audit in a transparent manner. I consider that this particular audit was flawed from the start. The editors, key figures in the day-to-day running of the journal, were given no prior notice an audit was taking place. Furthermore, when the results were announced, they were excluded and prohibited any mutual discussion about the findings. This could, in itself, have invited suspicion as to its nature and results.

Before any issues arose between the two parties, the editors-in-chief had just recently received positive emails from the publisher regarding the journal. On the 2<sup>nd</sup> July, 2012 a monthly update from BioMed Central Independent Journal Team covered all the articles published to the end of June 2012. It is assumed that the BioMed Central team has ensured that there was no concern about the journal’s publishing process before sending this email (SC86). On the same day, the publisher congratulated the editors-in-chief on the fact that Head and Neck Oncology had achieved the highest impact factor in the head and neck discipline (SC4).

When BioMed Central asked the editors of Head and Neck Oncology to stand down from their positions immediately and avoid the need for the publisher to ‘*take more serious action*’, this was the first communication the publisher had made with all four editors-in-chief since the audit had taken place. The shock of an audit being conducted without their awareness may have been one point worthy of discussion but to receive news of forced resignation, without meeting, the editors-in-chief did not constitute reasonable action or fair play.

Under high pressure to act, the editors-in-chief made several mistakes in their initial reactions instead of calmly discussing the matter as a group.

Colin Hopper and Waseem Jerjes responded to this point with:

“We are full-time practicing medics working under stressful conditions and there is only so much we can take or do, we are only human....unfortunately at the time of coming under increasing pressure from BioMed Central, we all (the four editors-in-chief) have reacted in an inconsistent manner...it would have been wise to unite and defend our posts, especially when we know that we haven’t done anything wrong or breached any research integrity or publication ethics rules....unfortunately this is easier said than done and at the time each one of us wanted to survive

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## Short communication

regardless of what happened to the rest of the group....in doing so we have set a bad example for academics, scientists and clinicians and revealed our selfish human nature....we are proud, however, that within a matter of a few days we realised the mistakes we had made and committed against each other....we employed the principle of 'forgive and forget' and presented a united front against the BioMed Central aggression....although the peer-review history of the journal, from its time under BioMed Central, is lost forever, we continue to try and collect data from our colleagues to try and create an accurate history not to undermine BioMed Central allegations but to have it there as a guide to improve our procedures and output....we have learned from our mistakes and we are glad that this devastating experience has changed us for the better....we ask our colleagues to forgive us for all of this and forgive us for failing to respond to so many communications in the last two years..."

The impulsive decisions made in the early stages of the case could have severely damaged the editors' defence if they had not regrouped and started to act as a unit. As the editors-in-chief are all practising medics and of high moral standing it is very difficult for them to understand why not one of them was invited to talks or offered arbitration. The directive was issued purely on the grounds of undisclosed data.

BioMed Central carried out an internal audit and 3 subsequent investigations against the editors-in-chief of Head and Neck Oncology and then forwarded all its concerns in a formal complaint to University College London (UCL). BioMed Central announced on its website that '*it has been cooperating with the joint investigation being carried out by University College London (UCL) and University College London Hospitals (UCLH)*'. The joint investigation suggested that there was in fact no case to follow up. The company which owns BioMed Central helped Colin

Hopper and Waseem Jerjes to resolve 2 issues which were on the list of accusations made by BioMed Central. BioMed Central have not admitted any failings in the designs, data collection, analysis and results of the audit, or the investigations, and perceived lack of transparency in the procedure.

Amicable and honest discussion not only creates a good working relationship between colleagues, it improves the overall integrity, efficiency and morale of a business. In the event of an internal evaluation, review or audit, communication is even more crucial to ensure improvement within the organisation.

Discussing problems in an open environment could have:

- Improved understanding
- Resolved any conflict
- Increased collaborative efforts

Suffice to say, in an email exchange between Colin Hopper and Deborah Kahn, Mr Hopper repeatedly requested an opportunity to discuss the audit results in person. No response was given. BioMed Central did not contact the editors-in-chief to request a meeting to discuss the issues.

To achieve the most productive outcome from the result of an audit – whatever the outcome may be – a collaborative outlook must be engendered by all participating parties. Failing to do so could isolate certain individuals and damage the reputation and integrity of the audit.

This was a sensitive area and one in which prominent careers and possibly illustrious futures were at stake. We consider that a positive and proactive strategy should be implemented and maintained to deal with change, irregularities or even serious problems. If complete transparency is upheld throughout an audit and subsequent investigations, we consider that all parties concerned should be presented with the unambiguous opportunity for debate; in all circumstances, we consider that

this should be before someone is asked to vacate their position or informed of potential further action.

BioMed Central case is that its procedures were carried out according to the COPE guidelines. The editors dispute that this is corroborated by any of the evidence of the investigation. The reputation of the journal, its editors-in-chief, editorial board members and authors has been materially damaged.

There is another aspect to this which is the often overlooked emotional one. Statements made without prior discussion, can lead to individuals feeling overwhelmed by the pressure imposed on them, notwithstanding that, in this case, there are eminent career paths and family relationships balanced precariously in the background.

### Conclusion

The editors-in-chief consider that it is the responsibility of the party who reports the wrongdoing to provide the accused with a fair opportunity to defend themselves within a reasonable timeframe, and to notify them of all relevant communications in that regard.

Failing to include all concerned could result in:

- Lack of trust between parties
- Misinterpreted information
- Unfair judgment of individuals.

In this short communication, I have highlighted what we consider to be failings in the internal audit process and the subsequent investigations carried out; and also highlighted our failures as editors-in-chief to react in a united and professional manner in the first few days of this conflict.

The editors-in-chief now intend to conduct their own audit and involve everyone that was contacted by BioMed Central staff, or anyone who has read the potentially defamatory statements against them during this campaign. We hope by doing this to be able to provide support to our editorial board

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All authors abide by the Association for Medical Ethics (AME) ethical rules of disclosure.

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## Short communication

members, authors and the readers of the journal across the world and act as a good example to future generations of academics.

### Conflict of interests and Competing interests

I am Co-Editor-in-Chief of [Head and Neck Oncology](#) and have been since the day of its foundation. I am a Co-Founder and Council Member of the [Head and Neck Optical Diagnostics and Intervention Society](#) (a UCLH-based charity). I am Vice-Chairman of the [Publication Integrity and Ethics](#) and Director of this not-for-profit organization.

I have 2 relatives practicing within the fields of online publishing, training and education.

### Declaration

I have never received any financial support from any commercial entity.

### References

- Jigisha Patel Medical Editor of BioMed Central I - SC1
- Waseem Jerjes Editor in Chief Head and Neck Oncology I - SC2
- Deborah Kahn Publishing Director of BioMed Central I - SC3
- Philip Dooner Journal Development Editor of BioMed Central I - SC4
- Waseem Jerjes Editor in Chief Head and Neck Oncology II - SC5
- Tahwinder Upile Editor in Chief Head and Neck Oncology I - SC6
- Adel El Naggar Editor in Chief Head and Neck Oncology I - SC7
- Deborah Kahn Publishing Director of BioMed Central II - SC8
- Colin Hopper Editor in Chief Head and Neck Oncology I - SC9
- Tahwinder Upile Editor in Chief Head and Neck Oncology II - SC10
- Tahwinder Upile Editor in Chief Head and Neck Oncology III - SC11
- Deborah Kahn Publishing Director of BioMed Central III - SC12
- Deborah Kahn Publishing Director of BioMed Central IV - SC13
- Adel El Naggar Editor in Chief Head and Neck Oncology II - SC14
- Colin Hopper and Tahwinder Upile Editors in Chief Head and Neck Oncology I - SC15
- Colin Hopper, Waseem Jerjes and Tahwinder Upile Editors Head & Neck Oncology I - SC16
- Deborah Kahn Publishing Director of BioMed Central V - SC17
- Tahwinder Upile Editor in Chief Head and Neck Oncology IV - SC18
- Editors in Chief of Head and Neck Oncology I - SC19
- Editors in Chief of Head and Neck Oncology II - SC20
- BioMed Central statement against Head and Neck Oncology I - SC21
- Editors in Chief of Head and Neck Oncology III - SC22
- Deborah Kahn Publishing Director of BioMed Central VI - SC23
- Deborah Kahn Publishing Director of BioMed Central VII - SC24
- Philip Dooner Journal Development Editor of BioMed Central II - SC25
- Production Team at BioMed Central I - SC26
- Tahwinder Upile Editor in Chief Head and Neck Oncology V - SC27
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### Relevant articles

- Jerjes W, Hopper C. Head and Neck Oncology – the sixth year (part1): Editorial. Head Neck Oncol 2014 Apr 26;6(1):1.
- Jerjes W, Hopper C. Erratum to: cTNM vs. pTNM: the effect of not applying ultrasonography in the identification of cervical nodal disease. Head Neck Oncol. 2013 Aug 22;5(4):47.

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