

## **Processes for Authorship Dispute Resolution**

In cases of authorship disputes related to composition and/or order of authors, in which only NIH authors are part of the dispute, the Deputy Director for Intramural Research (DDIR) encourages parties to engage in direct dialogue (# 1 below) to resolve matters. Use of a “pre-nuptial agreement” for collaborations is strongly suggested <<http://ombudsman.nih.gov/collab.html>>. The other processes (#s 2-4) described below are also available for resolution. All these processes should be handled as expeditiously as possible.

### **1 - Direct Dialogue**

This involves the parties to the dispute discussing their perspectives and working to reach an agreeable resolution based on the *Guidelines for the Conduct of Research in the Intramural Research Program at NIH*.

### **2 - Mediation**

Parties to a conflict may choose to work with the Office of the Ombudsman to participate in a confidential mediation process to assist in finding resolution to authorship disputes. The Office has a pool of senior NIH scientists who can serve as co-mediators. The Ombudsman mediators do not advocate for any particular outcome and remain a neutral third-party assisting with the exploration of perspectives, rationales, and options. The parties themselves decide on the terms of any agreement.

### **3 – Peer Panel**

Parties to an authorship dispute would agree to present their perspectives to a panel of three NIH scientists with scientific expertise in the area of research, no conflict of interest, and, when possible, with no affiliation with the ICs of the involved authors. By entering into the voluntary Peer Panel process, the parties involved would agree in writing to accept and abide by the decision of the panel. The parties would further agree that in abiding by the decision, they will not dispute this issue at the level of the journal’s editors or other public forum. Further description of this proposed process can be found below.

### **4 - Binding SD/DDIR Decision**

If parties do not resolve the dispute through dialogue or mediation, and choose not to work with the Peer Panel Process, then the Scientific Director (SD) (if all parties are within one IC) or the DDIR (if parties are from multiple ICs) will render a binding decision, and may consult with a scientific expert(s) prior to making the decision. The SD or DDIR will notify the journal that the institution has approved publication of the paper using that authorship composition and order. If an SD is one of the authors, then the IC Director will serve in place of the SD.

## **Details of Proposed Peer Panel Process (# 3)**

### **Appointment of the Panel**

- One or more of the disputants will notify the Chair of the Committee on Scientific Conduct and Ethics (CSCE) of the authorship dispute.
- The Chair will propose a panel of three (3) scientists with sufficient scientific expertise in the relevant research area and no conflict of interest with any of the disputants. Whenever possible, these scientists will have no affiliation with the ICs involved.
- Each disputant will have the opportunity to review the list to confirm their acceptance of the panel members, or to challenge proposed panelists based on perceived conflict of interest. The Chair will make the final determination on panel composition.

### **Presentation to the Panel**

- The Panel decision is limited in scope to composition and order of authors. No other matters will be considered by the Panel.
- The panelists will select one person to serve as Panel Facilitator.
- The Panel Facilitator will arrange to convene the Panel to provide an opportunity for the disputants to share information regarding the dispute. The panel will meet with each disputant separately and, at the discretion of the panel, will interview other parties relevant to resolving the authorship dispute.
- Disputants will submit the manuscript and may provide other relevant materials regarding the authorship dispute to the panelists in advance of the presentation stage. Panelists will review the materials at their discretion.
- The Panel may contact disputants to gather additional information, if necessary.

### **Binding Decision**

- Following deliberations, the Panel will take a vote to reach a final decision and prepare a written Report detailing the decision and rationale. If the vote is not unanimous, the report will reflect both sides, but the majority vote will be decisive.
- The Panel Facilitator will inform the CSCE Chair of its decision and provide the written Report. The Chair will provide the disputants with the final Report.
- The CSCE Chair will also inform all other authors on the paper regarding the binding decision and rationale.

### **Confidentiality**

- Panelists will agree not to disclose the deliberations of the panel or how any of the panelists voted on the matter.

Approved by the Scientific Directors 8/11/2010