

Ethics

What (and Where) Is the Ethical Code Concerning Researcher Conflict of Interest?

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ABSTRACT—*Decision makers are expected to identify and perhaps recuse themselves from actions that affect entities (such as relatives or corporations) to which their relationships create an appearance of conflict of interest. This article illustrates relationships that can create conflicts of interest for editors, grant decision makers, journal and grant reviewers, expert witnesses, and also for many researchers with method or theory commitments. The author urges psychology's professional associations to do what they now do either minimally or not at all: provide ethical guidelines that identify these conflicts and offer reasoned advice on managing them.*

THE AMERICAN PSYCHOLOGICAL ASSOCIATION'S (APA'S) OFFICIAL POSITION ON RESEARCHER CONFLICT OF INTEREST

APA's *Ethical Principles of Psychologists and Code of Conduct* contains exactly one paragraph on conflict of interest. It reads as follows:

3.06 Conflict of Interest

Psychologists refrain from taking on a professional role when personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected to (1) impair their objectivity, competence, or effectiveness in performing their functions as psychologists or (2) expose the person or organization with whom the professional relationship exists to harm or exploitation. (American Psychological Association, 2002)

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Principle 3.06's reference to "performing . . . functions as psychologists" is broad enough to include conflicts of interest in the conduct of research. But its usefulness is limited by its brevity—it neither identifies situations that occasion conflicts of interest nor does it describe strategies to manage conflicts of interest.

The only other treatment of conflict of interest in official APA documents is a "Full Disclosure of Interests" form that is used by APA for journal publications. (The form can be found at <http://www.apa.org/journals/authors/pubs-forms.html>.) After acceptance of a manuscript for publication (I will later discuss this curious timing), each author of an article that has been accepted for publication is asked to endorse one of the two following statements:

___ Neither I nor any member of my immediate family have a significant financial arrangement or affiliation with any product or services used or discussed in my paper, nor any potential bias against another product or service.

___ I (or an immediate family member) have a significant financial interest or affiliation with the following products or services used or discussed in my paper:

Below these two choices appears a series of five lines, each of which provides space to list a "Name of product or service and nature of relationship with each (e.g., stock or bond holdings, research grants, employment, ownership or partnership, consultant fees or other remuneration)."

THE ASSOCIATION FOR PSYCHOLOGICAL SCIENCE'S (APS'S) POSITION ON RESEARCHER CONFLICT OF INTEREST

Consistent with its stance of not aspiring to any regulatory role in regard to the conduct of its members, APS has no statement of ethical principles, nor does it have any policy statement on

conflict of interest. The closest to a statement of policy on conflict of interest in APS documents is a brief informal statement that can be found on a Web page titled “Contributor FAQ” (available at <http://www.psychologicalscience.org/journals/ps/faq.cfm>), for authors submitting manuscripts to *Psychological Science*. The statement that can be found there advises submitting authors on how to interpret the journal’s invitation to suggest appropriate reviewers.

“... editors do not always use the suggested reviewers, because the individuals have reviewed for the journal recently, they are unavailable, their previous reviews have not been sufficiently helpful, or they appear to have a conflict of interest (i.e., suggested reviewers should not be a recent mentor or student, a recent collaborator, or a colleague).”

Many journals have formal or informal policies of this sort, which aim to minimize chances of obtaining a review from someone who has a collegial relation with a submitting author.

IS MORE NEEDED?

The remainder of this article describes four scholarly roles that provide opportunities for conflicts of interest that seem (a) obvious and (b) underrecognized. Others may agree with me that it is time for psychology’s professional associations to formally recognize at least some of these situations as occasions for conflicts of interest that deserve explicit treatment in ethical codes.

Role 1: Gatekeeper

Not long after becoming a journal editor, I became aware of an extraordinary power afforded by my position as editor. It was not the obvious power of accepting or rejecting articles. Rather, it was the power to control an editorial decision by choosing reviewers. Within a few years (seeing a thousand or so reviews), I had come to know many of the available reviewers well enough to predict their likelihood of recommending acceptance or rejection for almost any submitted manuscript that I might send to them. The strongest basis for this prediction was my knowledge of whether the conclusions of the submitted manuscript agreed or disagreed with the reviewer’s published findings or theories. Somewhat weaker as a basis for prediction was my knowledge of the reviewer’s base rate of recommending acceptance versus rejection.

I was sure that conflict of interest stemming from agreeableness of the article’s conclusions to the reviewer was as true of me when I was reviewing for other journals as it was of those whom I asked to do reviews. An obvious remedial strategy was to try to balance the set of reviewers I selected for any article by trying to match a reviewer who was likely to oppose the manuscript’s conclusion with one likely to favor it. I indeed tried to do that, but I wonder if I performed this balancing act well when I was

inviting reviews for a paper that had a conclusion with which I might agree or disagree.

Suggested ethical response: An editor should not take an action role on a manuscript that in any way implies agreement or disagreement with his or her own published theoretical views or empirical conclusions. This suggested policy can be difficult to implement, because it may require that an action role be passed to someone who may not be the journal’s strongest expert on the manuscript’s topic. These same considerations apply to those who manage the review processes for research grant applications.

Role 2: Reviewer

The possibility of reviewers experiencing conflict of interest due to their relationships with authors of reviewed manuscripts is well recognized. However, it is also inconsistently treated by all involved. Many reviewers make the inappropriate assumption that editors are omniscient about their (reviewers’) potential conflicts of interest. Therefore, when they receive a manuscript for review they may inappropriately assume that the editor was aware of their potential conflict and nevertheless sent them the manuscript for review—thereby concluding that they had no problematic conflict. A second problem: There is no consensus on the types of author–reviewer relationship that might produce conflict of interest. In reading *Psychological Science*’s list (quoted above) of author–reviewer relationships that have the potential for conflict (“a recent mentor or student, a recent collaborator, or a colleague”), I wondered why the list was limited to recent mentors, students, and collaborators. Also, should the reference to “colleague” be assumed to refer only to a current colleague? And what about relationships not mentioned in the list—such as a relative or a good friend with whom one has never been either a colleague or a collaborator? If these cases are not troublesome enough, then consider the possibility of conflict that arises when a reviewer receives a manuscript for which author identity has been removed. This is a circumstance in which the reviewer may be asked, unknowingly, to review the work of a person for whom there exists an obvious potential conflict of interest.

Suggested ethical response: The simplest response is to return a manuscript or grant proposal without review whenever there is a basis for suspecting the appearance of conflict of interest. (This includes the case of blind review when the unidentified author might be a person in a conflict-prone relationship.) But this simplest policy may not be the wisest policy. The policy is especially problematic when the only competent reviewers are ones with potentially biasing conflicts of interest. It should therefore be permissible to proceed with a review in the case of such conflicts, but only when one (a) makes the editor aware of the potential conflict and (b) is willing to preface the review both with reviewer self-identification (i.e., making the review non-anonymous) and description of the potential conflict. This allows both the editor and the author to be fully aware of the reviewer’s

potential conflict of interest. Openly acknowledging a potential conflict in this fashion seems the appropriate analog to the use of a footnote in a published article to describe possible conflicts of the types described in APA's "Full Disclosure of Interests" document.

Role 3: Expert Witness

Scientists may provide expert legal testimony in court cases involving evaluation of eyewitness evidence, employment discrimination, recovered memory, and mental competency, among other topics. These expert opinions typically make arguments that cite published research. The very substantial fees that are available for such expert testimony undeniably create the appearance of a possible conflict of interest whenever such testifying scientists submit articles that make empirical or theoretical arguments in support of the positions for which they may be paid to testify. Similar potential conflicts exist when these expert witnesses submit grant proposals for research that can support the testimony they have given or will give. At this writing, no professional organizations of psychologists have adopted policies that call for revelation of these potential conflicts of interest.

Suggested ethical response: A report of potential conflict of interest associated with expert witness service could routinely be requested of authors in submitting testimony-relevant articles to journals or testimony-relevant research projects to granting agencies. This report could be brief, and similar to the footnote formats now used by APA and many other professional societies to report potential financial conflicts of interest in published articles.

Role 4: Ourselves

Even though it is widely pretended not to exist, there is an important source of conflict of interest that affects virtually all researchers. An early description was offered by geologist T.C. Chamberlin (1890/1965) when he eloquently (but also with now-recognized sexist language) characterized the warmth that many scientists feel toward their own theories:

The moment one has offered an original explanation for a phenomenon which seems satisfactory, that moment affection for his intellectual child springs into existence; and as the explanation grows into a definite theory, his parental affections cluster about his intellectual offspring, and it grows more and more dear to him, so that, while he holds it seemingly tentative, it is still lovingly tentative, and not impartially tentative. . . . There is an unconscious selection and magnifying of the phenomena that fall into harmony with the theory and support it, and an unconscious neglect of those that fail of coincidence. The mind lingers with pleasure upon the facts that fall happily into the embrace of the theory, and feels a natural coldness toward those that seem refractory. Instinctively, there is a special searching-out of phenomena that support it, for the mind is led by its desires.

There springs up, also, an unconscious pressing of the theory to make it fit the facts, and a pressing of the facts to make them fit the theory. (p. 755)

The feelings that Chamberlin so eloquently described are also identified by the blander label, *confirmation bias*. Here are two symptoms of a researcher's confirmation bias: (a) discarding, unreported, sets of data that do not support a theory in which one is invested, and (b) reporting, as if it were one's total research effort, a selected subset of one's research findings—including only the findings that support one's theory, while omitting those that do not. Either of these forms of selectivity has the obvious risk of overlooking important findings, and each can lead to unjustifiably inflated claims for generality of reported findings.

Suggested ethical response: Do *not* do these things! If discarding or not reporting unsupportive data were treated as inappropriate in ethical codes, it might be more difficult for students and laboratory supervisors to persuade one another that portions of the data they have collected should be suppressed.

CLOSING THOUGHTS

Question When is the time to acknowledge potential conflicts of interest? APA now asks for a description of an author's potential conflict of interests only after the editorial processing of a manuscript is complete. Would it not be more appropriate for these to be reported at the time of submitting a manuscript or grant proposal? Why should reviewers and editors not be aware of these potential conflicts when they are providing their reviews and decisions?

Question What should be done when the only potential conflict comes from a manuscript or proposal agreeing or disagreeing with the invited reviewer's theories or findings? This conflict does not presently prompt reviewers to decline to provide a review. And there may be few occasions on which the requested reviewer should decline. Nevertheless, this is a situation of which both editors and authors should be aware. Until quite recently, I did not regard this conflict as one needing any acknowledgment. However, I recently concluded that it was a minor cost to me and a useful gain to the reviewing process if I identified myself as reviewer whenever I reviewed something that either favored or conflicted with my published work. An alternative would be to acknowledge this basis for conflict at the beginning of an anonymous review.

Bottom line—there are two justifications for acknowledging all potential conflicts of interest. First, it feels like the ethically right thing to do. Second, it should increase the efficiency of any scientific discipline in producing replicable findings and generalizable theories.

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based on age, race, gender or other factors.” This affiliation does not create a potential conflict of interest in regard to the present article, but is described here to illustrate an accepted manner of acknowledging a conflict of interest.

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