

Professor Charles M. Marcus
Niels Bohr Institute, Faculty of Science,
University of Copenhagen
Sent to: marcus@nbi.ku.dk



27 OCTOBER 2023

Update on the recent steps in Practice Committee's cases 74 and 77

As you have already been informed, the Practice Committee met for a second deliberation of the two complaints launched against you (namely *case 74* initiated by Jake Yeston regarding the *Science* article "*Flux-induced topological superconductivity in full-shell nanowires*" and *case 77* initiated by Sergei Frolov and Vincent Mourik regarding five other articles) at its meeting on 23 October 2023.

In the following I will inform you of the preliminary conclusions that the Practice Committee has arrived at, and invite you to comment on some of them.

The handling of the expert report

Enclosed, please find Jake Yeston's comments of 5 October 2023 to the report from the expert panel. With permission from the Practice Committee, Yeston has shared the report with Professors Frolov and Mourik. Therefore, it is not unlikely that Yeston's comments have been made with input from the two.

Among other things, Yeston suggests that you must implement a correction in the text and figures of the *Science* article.

Furthermore, Yeston recommends a public release of the expert report, either prior to or – perhaps more realistically – concurrently with the publication of the correction in *Science*.

The committee is in sympathy with the proposal to make the expert report public, concurrently with publication of the correction of your paper.

Before giving Yeston (and *Science*) permission to do so, the Practice Committee invites you to state whether you have any objections that the report is made public. Please submit such comments within 14 days from today.

NØRREGADE 10
KØBENHAVN N.

DIR 45 35 33 78 25

hege.soreng@adm.ku.dk

CASE: 74 AND 77

Please specify on inquiry

If you do not have any objections hereto, the Practice Committee will also, make the report public (without any further notice regarding the two complaints) from its website.

Further steps of case 74

The Practice Committee also discussed the further steps of case 74 and 77.

Based upon the conclusions of expert report, it is the preliminary view of the Practice Committee that it is not entirely excluded that case 74 involves aspects that the Danish Board of Research Misconduct might want to consider as a case of “*research misconduct*” for further investigation.

The reason for this is that according to the [Act on Research Misconduct](#) the Danish Committee on Research Misconduct shall process cases concerning research misconduct in scientific products, cf. Section 4 of the Act.

The term “*research misconduct*” refers to cases of fabrication, falsification and plagiarism committed wilfully or with gross negligence when planning, performing or reporting on research. *Falsification* means manipulation of research material, equipment or processes as well as changing or omitting data or results, thus making the research misleading, cf. section 3 of the act.

In their report the experts have stated that they “...*do not view the authors' behavior in connection with this paper as an instance of scientific misconduct.*”

However, at the same time they also criticize the selection of data “...*using criteria whose application was partially subjective.*”, and that this selection resulted “...*in conclusions that did not adequately capture the variability of outcomes.*”

It follows from the Act that all complaints concerning research misconduct must be submitted to the Practice Committee of the research institution at which the research was conducted. Each Practice Committee shall thus prepare the complaint to be processed by the Danish Board on Research Misconduct which will then determine whether research misconduct has or has not occurred. If the Board concludes that a case may involve issues concerning questionable research practices not considered by the Board to constitute research misconduct, the Board may refer such issues to the relevant research institution for further consideration.

If you have any comments to this preliminary decision, you are kindly invited to forward them to the Practice Committee within 14 days from today.

Further steps of case 77

Given the complexity of Case 74 and the ongoing process on the submission for further data regarding the Science article, the Practice Committee will await the decision from the Board regarding case 74 before it decides whether case 77 shall also be forwarded to the Board for processing.

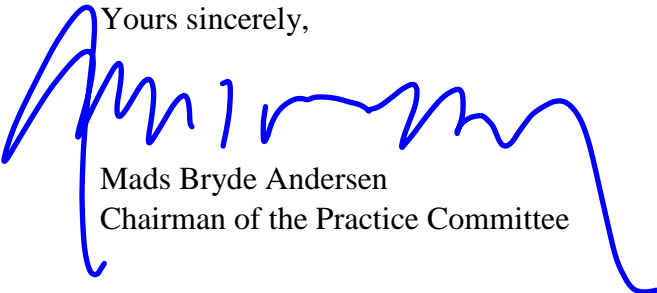
In order to facilitate the Committee's investigations as concerns case 77 the Practice Committee will repeat its invitation to you to state whether you intend to follow the principles underlying the recommendations stated in the expert panel's report, also as regards the papers in case 77.

The reason for asking this question at this point in time is that regardless of the fact that the further handling of the case has been postponed until the conclusions from the Board on Research Misconduct are known your comments might be relevant for the Committee's assessment of the case.

The Practice Committee is certainly mindful that the report from the expert panel does not deal with the papers in case 77. However, since both cases includes issues of submission of data, the Committee is interested to hear if you plan to present the same type of data on Zenodo in relation to the papers in case 77 as you are now discussing with Science to present with reference to case 74.

The deadline for submitting your comments in that regard is also 14 days from today.

Yours sincerely,



Mads Bryde Andersen
Chairman of the Practice Committee

Appendix

Jake Yeston_comments_practice_committee_response.pdf

Cc: Jake Yeston, Sophie Gueron, Allan MacDonald, Pertti Hakonen