

26 April 2018

To: the co-chairs of the Cochrane Collaboration, Martin Burton and Cynthia Farquhar
From: Peter Gøtzsche, elected Governing Board member

Re: Martin Burton's email to Mark Wilson, Cindy and me about the Spokesperson Policy

On 20 April, Martin sent this email to the CEO of the Cochrane Collaboration, Mark Wilson, and me, copying Cindy:

I write on behalf of Cindy and myself as Co-Chairs of Cochrane.

Over the last few years there have been a number of discussions involving Mark, Peter, the Co-Chairs, the Governing Board, members of the Senior Management Team and others in leadership positions in Cochrane. There has been (and continues to be) disagreement about what was said, what was meant, what was understood and what was agreed, on several occasions. As you both know, there is currently a disagreement relating to a number of formal complaints.

In the best interests of the Charity, the situation needs to be resolved and we need to learn from it.

There was a need to identify a process that is fair to both of you. We believe it should be one that allows fresh, independent eyes to look at the facts, identify differences of opinion, and make recommendations. As a result, we intend to proceed as outlined in the attached document. This document outlines the plan that we will adopt. At the heart of this is the fact that the review will not be undertaken by any of the Board members, but rather by an independent person who will provide a confidential report to the Board. We are sending it to you now to give you the opportunity to ask questions about it.

We felt it was important that you both had sight of this plan before anybody else, in order that you could raise any questions that you might have. We will be writing to the other Board members today simply to tell them that we have written to you with a plan, so that they are reassured that we are making progress. We would like to be able to write to them again, with a copy of the plan, next week. As a result, it would be helpful to receive any questions you may have as soon as possible.

With kind regards
Martin

Martin attached the plan as a pdf, which I have exported to Word to make it easier to work with:

Proposal for Review

Introduction

1. Mark Wilson, the CEO, states that he believes Peter Gøtzsche, as Director, Nordic Cochrane Centre:
 - a. has failed to follow the Collaboration's Spokesperson policy on more than one occasion
 - b. has behaved incorrectly by involving the Board in matters that should normally be dealt with initially by him, as CEO and the individual to whom Centre Directors are accountable, before being escalated to the Board.

2. Peter Gøtzsche has complained directly to the Board about the actions of Mark Wilson in his role as CEO.
3. The Co-Chairs, Cindy Farquar and Martin Burton, note that public statements made by Peter Gøtzsche have sometimes resulted in discussions involving Peter, the Co-Chairs, the Governing Board, the CEO and others in leadership positions in Cochrane. These relate to whether or not the statements (a) express Peter's own views, or (b) represent the views of Cochrane. They believe it is in the best interest of Cochrane fully to understand the nature of these discussions, why they have arisen and what might be done to prevent the need for these in the future.

Proposal

4. In order to be fair to all parties involved in this issue, Cochrane will engage an appropriately qualified, independent individual, from outside the Charity, to undertake a review and to prepare a confidential report for the Board.
5. The remit of the review will be to:
 - a. consider the matters outlined in paragraphs 1 to 3 above, including a determination of the facts and identifying differences of opinion,
 - b. address any immediate issues related to these matters and
 - c. consider how issues of organisational governance and policy may have impacted upon events.
6. The reviewer will make recommendations to the Board as they see fit, including (but not necessarily limited to) recommendations
 - a. for resolving any issues identified, and
 - b. for avoiding or minimising any future problems,
 - c. for guarding the reputation and optimizing the governance of the Charity.
7. The report will be confidential to the Board and will be considered by the Board in a formal (minuted) but closed (*in camera*) session.

CM Farquar, Co-Chair

MJ Burton, Co-Chair

20th April 2018

My comments

My immediate comment, sent on 20 April, was that "I disagree with your plan. The whole Governing Board will need to deal with this and it is my right to require this according to the Collaboration Agreement Mark and I have entered a year ago. I will come back with more comments when I have had time to think about this."

Mark commented the same day: "I'm happy with this plan - and have no questions."

There are several good reasons why this plan should be rejected, some of which have to do with the way Board members are being treated by the co-chairs. Many Board members have discussed this in smaller groups *ad hoc* when we had been upset about what we felt were undue manipulations (see examples below). In order to respond properly to the issues, I will need to quote some of what has been said during Governing Board only time. I therefore request that this letter is not copied to Mark Wilson, as what we say at these meetings is meant to be for other Board members only.

First of all, I wonder why the plan was a pdf and not a Word document and why I was told “it would be helpful to receive any questions you may have.” This is not co-operative but sends a signal that the plan is cut in stone and cannot be changed. I have a lot more to say than only asking “questions.”

Martin and Cindy call their plan “Confidential,” which is stamped across it. I could be confidential while we are discussing it but not after we have agreed or disagreed about what the best way forward is, as Board members have a right to know. Furthermore, the first of our ten principles for the Cochrane Collaboration is: “fostering global co-operation, teamwork, and open and transparent communication and decision-making.”

I shall discuss the points in the plan in the same order as in the plan.

1. Mark Wilson, the CEO, states that he believes Peter Gøtzsche, as Director, Nordic Cochrane Centre:
 - a. has failed to follow the Collaboration’s Spokesperson policy on more than one occasion
 - b. has behaved incorrectly by involving the Board in matters that should normally be dealt with initially by him, as CEO and the individual to whom Centre Directors are accountable, before being escalated to the Board.

This is not due process. Mark is quoted for two statements that are critical of me while I am quoted for none about Mark. And like Mark, Martin is also conflicted. He took me aside in Lisboa Friday morning on 23 March and escorted me into another room where he tried to convince me I should drop my agenda item for the Board only time, which was the Spokesperson Policy. Joerg also wanted to have this item on the agenda, and Martin also tried to convince Joerg that he should drop it, also in a private encounter. The first thing Martin said to me was that I had broken the Spokesperson Policy and that there was therefore no reason to discuss it. I told Martin that I had not broken this policy and that he could not know whether I had (as he did not know the details).

It is pretty astounding and highly one-sided that Mark speaks about me behaving incorrectly while nothing is being said in the plan about Mark’s inappropriate behaviour on Friday, 23 March. Particularly because Martin and Cindy are fully aware of Mark’s misbehaviour, which was discussed at length during the Board only time the same day. This is a strong indication that the co-chairs are not impartial in relation to the dispute between Mark and me.

The facts related to 1b above are these. On 11 April, at 2.22 p.m., Mark sent me an email that really shocked me. I therefore sent this email to the Board, copying Mark, the same day, at 7.50 p.m.:

To: boardprivate@lists.cochrane.org
Subject: Mark Wilson has sent a very unpleasant email today threatening to close my centre
Cc: MWilson@cochrane.org

Our CEO Mark Wilson sent an email to me today, on 11 April, of 13,504 words that takes up 42 pages when transferred into a Word document, with 10 attachments. In it, he claims that I have broken the Spokesperson policy. A psychiatrist complained about me to Mark on 1 March. After having had six weeks to think about it, Mark sent me this email, which I received at 2.22 p.m. today while I was very busy working on something else, with a deadline.

Mark wants me to respond to his allegations during the next two days because he wants to reply to the complainant during this time. This is not due process. I am totally occupied the next two days and cannot meet Mark’s extremely short deadline. Danish TV is filming us at the centre all day tomorrow, a bit ironically, considering the complaint, because they are very impressed with our work related to helping psychiatric patients, and Friday I shall be in Stockholm and lecture.

Most importantly, it was decided at the Governing Board only time on 23 March in Lisboa where we discussed the Spokesperson policy and issues related to it, that Mark's allegations and my reply would need to be considered by the Board before Mark takes action, if any is required.

I therefore remind the Board about this decision and at the same time ask Mark to respect the Board's decision. I shall respond as quickly as I can, which means next week.

Mark, in his long email, threatens to deregister my centre, if I fail to comply with the Spokesperson policy (and many other requirements, which are specific for me and do not apply to anyone else in Cochrane). I find this very disturbing. I firmly believe I comply with the policy in relation to this psychiatrist's complaint and there cannot be separate rules for me that do not apply to others in Cochrane. Finally, it is totally out of proportion to threaten me with closing my centre, which you will see when you see my reply to Mark's allegations.

I copy Mark on this boardprivate email.

To shock people in the way Mark did in his email to me is what we usually call management by fear, and it certainly worked that way. I was deeply shocked and consulted with several members of the Board who agreed with me that it was highly appropriate for me to send the email just above to the Board, given the content, tone and ultrashort deadline in Mark's email to me, which they considered unacceptable behaviour, and given also what we had decided during our Governing Board only time in Lisboa only 2.5 weeks earlier.

A constant problem with the Board's work, which my Board colleagues also highlighted, is that minutes arrive very late, which makes it easier for our leaders to manipulate with us, as it is then more difficult to remember exactly what was said and what was agreed.

Considering Mark's own behaviour in Lisboa, I find it astonishing that Mark complains about my behaviour, and that the co-chairs allow Mark's complaints to be part of their plan without saying anything about Mark's own behaviour. By doing this, Martin also contradicts himself. In Lisboa, during the Board only time, Martin repeatedly told the Board that we should not mix up Mark's behaviour with the Spokesperson issues because they are two separate issues. Nonetheless, Martin refers to Mark's views on *my* behaviour in the plan. This illustrates another general problem with the Board's work, namely that the co-chairs are too close to Mark and are too influenced by him. This was so obvious during the Board only time that Nancy Santesso burst into tears and said that Martin was afraid of Mark Wilson; another sign of management by fear.

Mark had asked to have a meeting with me in Lisboa on the Wednesday in relation to three complaints he had received about me. I asked Board member Joerg Meerpohl and my deputy director at the Nordic Cochrane Centre, Karsten Juhl Jørgensen, to join me. I wanted to have witnesses, as I had often experienced in the past that what was being said was later postulated to have been something else. As an example, the minutes related to the upcoming complaints procedure from Genève were incorrect, which I shall describe below. During the meeting, I asked Mark for an amicable solution and not to make too much out of the complaints, as I felt there was really nothing to complain about.

After Martin had taken both Joerg and me aside, but separately, Friday morning, and asked us to drop the item about the Spokesperson Policy for the Board only time, I considered following Martin's advice but I would then need Mark to agree to tone the whole thing down. I therefore asked for a

brief meeting with Mark during the coffee break and I took Joerg to this meeting, in order to have a witness. I made detailed notes the same day:

I asked Mark for an amicable solution that involved that Mark did not expose me to my enemies and also took down his message from 2015 from Cochrane.org (<http://www.cochrane.org/news/statement-cochrane>) about an article I wrote for the Daily Mail because it is no longer relevant and is very harmful for me, as my enemies constantly refer to it, and as it would make it more difficult for me to conduct, for example, my advocacy work in the EU Parliament for better and quicker access to data.

Mark did not respond positively; in fact, he did not respond at all but just stared at me. I then said that he and I needed to work together to obtain good things for Cochrane. No positive response this time either but continued staring. I asked why he always wanted to punish me instead of protecting me. Mark said it was not about punishing me but a matter of me having broken the Spokesperson Policy and that he would need to point this out.

I said that I did not feel I had broken this policy, to which Mark said that I had admitted two days earlier that I had broken the policy. I explained that this was not the case; I had just said that Karsten and I interpreted the policy differently to Mark.

Mark totally lost his temper. He shouted, called me a liar and said that I couldn't be trusted because I changed my views all the time. Mark pointed his finger at me and hammered his hand very hard on the table and took Joerg firmly by the shoulder and said something like: You were there so you can confirm that Peter admitted he had broken the policy. Joerg said that he could not remember anything to that effect. There were other witnesses to this episode, e.g. Janet Clarkson who later the same day told me that she considering intervening, as what she saw looked very disturbing.

I have never admitted that I had broken the policy, which Mark insisted I had. In fact, I do not think I have broken the policy and I explained why repeatedly during our meeting two days ago, and repeated it also this time, before Mark exploded (I explained, among other things, that the three instances were not about a Cochrane related issue).

During lunch the same day, I called Karsten on the phone and he confirmed that I never said that I had broken the policy.

Joerg was so shocked about Mark's bullying behaviour - another example of management by fear - where Mark tried to threaten Joerg into agreeing to something that wasn't true, that he brought it up during the Board only time. When another member of the Board said there had been several other instances of Mark bullying people, he was quickly stopped by Martin.

Mark has not apologized to me that he called me a liar.

Item 2 in the plan:

Peter Gøtzsche has complained directly to the Board about the actions of Mark Wilson in his role as CEO.

As just noted, this message suggests that the co-chairs are not impartial. Given that they were both present during the Board only time where the Board discussed Mark's inappropriate behaviour, it is concerning that they inserted this message in their plan. Furthermore, it was appropriate that I sent an email to the Board because Mark's shocking email to me precluded due process.

Item 3 in the plan: If there still is a need to discuss issues related to the Spokesperson Policy, the key issue is the way Mark interprets this policy, which must change, also for the benefit of Cochrane itself. The Spokesperson Policy is about ensuring that what individual people say or write is not misinterpreted as if it were official Cochrane policy. No one has ever in earnest been in any doubt about whether my views were my own or represented official Cochrane policy or views. But the opponents and enemies of the Nordic Cochrane Centre have discovered that Mark is more than

willing to help them punishing me, and the complaints will therefore continue to flow in for as long as we allow Mark to interpret the policy in the strange and harmful way as he does.

Item 4 in the plan:

In order to be fair to all parties involved in this issue, Cochrane will engage an appropriately qualified, independent individual, from outside the Charity, to undertake a review and to prepare a confidential report for the Board.

I reject this idea. The rules are very clear, as formulated in the Collaboration Agreements Mark Wilson has entered with Cochrane centres. The agreement I made with Mark in 2017 states:

Dispute Resolution and Performance Management

22. In the event of a dispute between the CEO and the NCC Director on Cochrane-related business or issues, both will make every good faith effort to resolve it amicably within six weeks. The CEO and/or the Centre Director may call upon the Centre Directors' Executive to advise on the resolution of the dispute.

23. If, following attempts at a resolution of the dispute, the Cochrane Director remains opposed to the decision, he/she may appeal it to the Cochrane Governing Board. If the Centre Director's position is supported by a majority of the Cochrane Centre Directors' Executive, then this will be made clear to the Governing Board. The decision of the Governing Board will be final.

We have a rule about how to proceed and I have seen nowhere any rule about appointing a person from outside the Charity.

Firstly, we should not accept that our co-chairs introduce *ad hoc* rules in the middle of an ongoing dispute when we have clear and sufficient rules already for handling the issue that, furthermore, both parties in the dispute have agreed to adhere to.

Secondly, the outcome of an external assessment will depend entirely on who that person is. It is implicitly understood that the co-chairs will select this person, and as I have stated above, the co-chairs cannot be considered impartial in relation to the issue under discussion. This is not due process and the Board would of course be influenced by a report provided by an external consultant.

Thirdly, the Board can think for themselves and should do exactly that, without any interference from outside the Board. The subject matter is not so complicated what we need help.

Fourthly, an external person would not know much about the issues, discussions, decisions and deliberations the Board has had previously in relation to the Spokesperson Policy.

Item 5 in the plan:

5. The remit of the review will be to:
 - a. consider the matters outlined in paragraphs 1 to 3 above, including a determination of the facts and identifying differences of opinion,
 - b. address any immediate issues related to these matters and
 - c. consider how issues of organisational governance and policy may have impacted upon events.

It would be totally inappropriate to ask an outsider to do this.

Firstly, as I have explained above, paragraphs 1 to 3 are very biased towards favouring Mark Wilson and disfavouring me.

Secondly, any immediate issues should not be addressed by an outsider who will not have the necessary background to make qualified judgments. The immediate issues can be dealt with very easily, given previous decisions made by the Board, e.g. in Genève, and I have proposed how to reply to the three complainants by the end of this letter.

The decision the Governing Board made in Genève during the Board only time session is absolutely essential. It is not a question of Mark and me having different perceptions of this decision; Mark was not even present during this meeting. It is another example of how Board members are being manipulated by our leaders. As this is so essential, I shall describe what happened in Genève in some detail, which is easy, as I always write detailed notes the same day when issues are important to me.

Lisa Bero, the then co-chair, drew me aside on the very first day of the meetings, Tuesday 6 April 2017, and told me that the Board would very likely forbid me to use my own letterhead. In the same way, she also approached my deputy director, Karsten Juhl Jørgensen, and told him the same thing. We both had the impression that it was a *fait accompli*, which Lisa and Mark Wilson had planned beforehand. However, as it turned out, the Board more or less meant Lisa herself. This was therefore another example of a type of manipulation Board members should not accept.

When I arrived for the Board only time the next day, folded pieces of paper with our names on had been put on the tables beforehand. Lisa had arranged for me to sit between Catherine and Marguerite, but I took the paper with my name and put it on the table between Joerg and Gerald. Lisa would not allow me to sit where I wanted and said that she decided because she was the chair. I insisted. Then Lisa said that if I talked to my neighbours or made noise I would be asked to leave the room. This is not an appropriate welcome for a newly elected Board member at his first Board meeting.

When we came to the chairs' correspondence (available to all Board members), Lisa asked me to leave the room immediately because I was conflicted. I refused and said she needed to say what it was about and that I should be allowed to defend myself. Lisa's conduct was totally inappropriate and manipulative. A person accused of wrongdoing must of course be told what the charge is and be allowed to defend him/herself before any decision or verdict is made.

Lisa had to give in to my request, and after I had defended myself, I was out the door for only about 10 minutes. When I was allowed in again, I was told that I was free to use my letterhead in correspondences. There were no restrictions; it was clear that I could also use my letterhead for non-Cochrane issues. I distinctly remember Janet Clarkson saying very friendly that there was no problem as long as I abided by the Spokesperson Policy. Later the same day, another Board member told me, which a third Board member confirmed (I won't reveal their names here), that it was virtually unanimously agreed and never really in doubt that, when I use my letterhead, be sure to give a disclaimer if the letter could be seen as controversial.

During the Board meeting, both before and after this happened, Lisa was pretty aggressive several times towards me and directly rude, too. A Board member told me that Lisa lost her authority given the way she behaved and that it was clear to rest of the Board that she had a personal grudge

against me. This continued the next day, when Lisa was obviously sour that she did not get her will the day before about censoring me; she hardly say hello to me. This is not how an elected Governing Board should function. It was outright disrespectful.

The minutes from the Governing Board only time were very brief in relation to this:

5. Correspondence

Discussion about correspondence relating to Peter and his work.
Peter agrees to follow the Spokesperson policy.

As noted above, Mark was not present at any time because this happened during the Board only time but he has to respect the Board's very clear decision, which was so unproblematic that it took the Board only 10 minutes to reach it. Therefore:

Mark can no longer assert that there are separate rules for me, and other rules for everybody else in Cochrane, which, in addition, has always been unfair.

Obviously, I must be able to use my professional affiliation to the Nordic Cochrane Centre as its director because it is nominal and factually correct. Any prohibition of using this title would be an overt disassociation of Cochrane from my work within the context of a pluralistic, scientific debate. And affiliation is not representation. At no time have I inferred that the whole Cochrane Collaboration supports the results of my studies or views. Mark insists that I should not use my affiliation when I write articles about psychiatric drugs. However, my researchers also write articles about psychiatric drugs and they cannot use any other affiliation than the Nordic Cochrane Centre, so also for this reason it would be inappropriate to have separate rules for me. It would look odd that the Nordic Cochrane Centre is their address while I, as the only author, use another address in the same paper. The readers would then think that I no longer work at the centre. This would be misleading and we do not want our scientific articles to be misleading.

As this crucial issue about our rights at the Nordic Cochrane Centre to use our own letterhead has been resolved, it cannot be something that any person external to Cochrane should look into. This is out of the question. If anyone wants to discuss this again, it should be at a Governing Board meeting, during the Board only time session, as it was in Genève.

Items 6 and 7 in the plan:

6. The reviewer will make recommendations to the Board as they see fit, including (but not necessarily limited to) recommendations
 - a. for resolving any issues identified, and
 - b. for avoiding or minimising any future problems,
 - c. for guarding the reputation and optimizing the governance of the Charity.
7. The report will be confidential to the Board and will be considered by the Board in a formal (minuted) but closed (*in camera*) session.

According to the above, these items will also need to be dropped, as we should not appoint a person external to the Board to deal with the issues. The Board has enough information already and any further discussions in relation to the Spokesperson Policy would need to take place at meetings where Board members are present, and not in phone meetings.

For the above reasons, the plan must be discarded. We have already solved the crucial issues. Instead of the plan, I have proposed just below how the three complaints could be addressed (see also my detailed comments on Mark's drafts):

Reply to Torrey:

Peter Gøtzsche has not failed to make a distinction between his personal academic views and those of Cochrane as an organisation. He used the letterhead of the Nordic Cochrane Centre, of which he is the director and therefore entitled to use, and any views in this letter are shared by his colleagues at the Centre. They cannot be confused with those of Cochrane as an organisation, which, moreover, have very similar views to those of Gøtzsche, namely that information about number of deaths and causes of deaths in studies should be made available.

We note that you made several inappropriate comments in your emails to us and also non-sequiturs. For example, you draw the unjustified conclusion that because Gøtzsche is the protector of the Hearing Voices Network in Denmark, this means that you do not find "any Cochrane publication on mental illness to be credible". We wish to inform you that the Hearing Voices Network in Denmark has this comment to your views:

"The Danish Hearing Voices Network would like to issue a statement with regards to E. Fuller Torrey's complaints against Professor Peter Gøtzsche. Furthermore we take issue with Torrey's attempts to discredit the Hearing Voices Movement so as to add leverage in his attempt to discredit Professor Peter Gøtzsche.

The Hearing Voices Movement exists in 33 countries and the Danish Hearing Voices Network has existed since 2005. This year Intervoice (the international HVN) will be holding its 10th World Hearing Voices congress attended by people from all over the world. In 2016 the Danish HVN invited professor Peter Gøtzsche to be protector because of his pioneering work regarding psychiatric research. We are honored to have him as our protector.

The Danish HVN regards hearing voices and other unusual experiences as arising from adverse life events, typically trauma, such as sexual abuse, violence, poverty, neglect etc. The link between trauma and psychosis is supported by solid evidence and is dose related. Furthermore we view 'schizophrenia' as being a construction rather than an illness and the diagnosing of the 'illness' as an opinion. There are no biological markers corroborating its existence; something we regard as highly problematic.

Finally we believe that E. Fuller Torrey's comments to Mr. Wilson regarding Peter Gøtzsche being our protector to be bordering on the ridiculous when he attempts to discredit the whole of the Cochrane Institute by stating 'Given such clear lack of objectivity, I personally would not find any Cochrane publication on mental illness to be credible.'

The Danish HVN would ask that E. Fuller Torrey stops using the HVN as a platform to insult a respected professor along with the Cochrane Institute. We would also suggest that E. Fuller Torrey considers apologizing to the Danish HVN for his disrespectful remarks about voice hearers."

If you wish to apologize to the Hearing Voices Network in Denmark, you can do this by writing an email to psychologist and psychiatric survivor Olga Runciman, orunciman@gmail.com.

Reply to Pottegård:

The seminar was not an official Cochrane event, nor was it publicised as such.

Reply to Loonen:

Peter Gøtzsche has not broken any Cochrane policies. You note that his expert opinion was presented using the letterhead of the Nordic Cochrane Centre and ask whether the Centre endorsed his findings in his expert report.

Being the director of the Nordic Cochrane Centre, Gøtzsche is entitled to use the Centre's letterhead. Moreover, Gøtzsche's expert report was written for the court and as far as we are aware it has not been made public, and it was never meant to become public. Gøtzsche was approved by the court as an expert witness because of his scientific work at the Nordic Cochrane Centre and it was therefore only natural that he used this letterhead. His affiliation would have been apparent anyhow, and no one has had any reason to doubt that what he stated in his expert report was his own opinion, which is what being an expert witness is all about: to express one's own opinion, based on the facts.

We note that, in contrast to Gøtzsche, you have been reprimanded several times because of your conduct in relation to the homicide trial in Holland you and Gøtzsche participated in. Another expert witness, Selma Eikelenboom, complained to the Regional Disciplinary Court for Healthcare at Eindhoven, which found your statements about her, e.g. calling her a "charlatan" in a newspaper interview, offensive, unfair and consciously directed towards her. You were reprimanded by the Court, which furthermore found that you, as a judicial expert, in an improper way had wanted to influence the criminal process, which involved particularly serious and punishable offenses. The Public Prosecution Service concluded that your offense was criminal according to criminal law.

In the middle of the court proceedings, you distributed a paper in Dutch you had written, which was defamatory for Gøtzsche. In it, you question Gøtzsche's qualifications as an expert witness - although this is entirely up to the court to decide about - and suggest that Gøtzsche suffers from a mental disorder and should be examined by a doctor. We are aware that Gøtzsche complained about your conduct to the University of Groningen with which you are affiliated, and that the Rector arranged a meeting with you where you were told that your conduct was inappropriate. The University asked you to behave in a responsible manner and said that you must prevent the University from suffering possible damage as a result of your behaviour.

A rare example of an appropriate response by the leaders of Cochrane to a complaint

Here is a rare example of an appropriate response by the leaders of Cochrane to a complaint about me. Mark Wilson was not involved with this, as it happened during his summer holidays. We complained to the European Medicines Agency on 26 May 2016 over its handling of the safety of the HPV vaccines and had used our letterhead for this, which some people complained about. The then co-chairs, Lisa Bero and Cindy Farquhar, responded on 28 July 2016:

We are writing in response to your email of 22 July 2016 regarding the complaint to EMA authored by Gotzsche, Jorgensen, Jefferson, Auken and Brinth. Two of the five authors are affiliated with the Nordic Cochrane Center; Gotzsche also lists his affiliation with University of Copenhagen. The letter does not state that it was prepared on behalf of Cochrane and it is not an official statement of the Cochrane Collaboration.

As members of civil society, the authors are free to send comments to the European Medicine's Association and, to our knowledge, they are using their correct affiliations. We suggest you raise your concerns regarding the letter in a public forum so they can be transparently discussed.

This is exactly how Cochrane should respond to inappropriate complaints, but Mark and his staff have never responded in this way. In fact, Mark's co-worker, Julie Wood, wrote to me on 10 June, six weeks before the co-chairs' rejection of the complaint, that I had broken the Spokesperson Policy:

Unfortunately, by posting this statement on the Cochrane Nordic Centre website, putting it on the letterhead and using your title as the director, and not clarifying that this was your personal view (or that of the other co-signers) this has caused confusion as to whether this is an official Cochrane view. We have had two requests from journalists asking us to clarify if this is official Cochrane policy. We have not yet responded. By not clarifying in the statement that this view was personal and by putting it on the letterhead this again breaks the spokesperson policy ... It is such a shame we are now in this unnecessary position and I find it disheartening that we are back in this same position again.

On 20 June, I explained to Julie over six pages why she was wrong and why I had not broken the Spokesperson Policy. My main arguments were these:

Firstly, the policy says: "If you are expressing your opinion about Cochrane-related issues you should state clearly that you are speaking in a personal (or other professional) capacity unless you have been expressly authorized to represent Cochrane." Our letter to the EMA is not about a Cochrane-related issue but about administrative issues in an EU institution.

Secondly, what we sent to the EMA cannot be characterised as "personal views" and our letter therefore cannot cause confusion as to whether it expresses "an official Cochrane view." Our letter is factual and questions whether the EMA has lived up to expectations according to European regulations when it assessed the safety of the HPV vaccines.

Thirdly, it is very clear from our letter to the EMA that when we comment on the facts and on the EMA's actions, we express our own interpretations of the facts. We use expressions such as "We agree" (10 times) and "We believe" (6 times) in the letter. No one can genuinely be in doubt that these are the interpretations of those who signed the letter. Furthermore, the policy states: "How to make clear that you are speaking in a personal capacity is a matter of local custom and culture and this policy asks that you make an honest attempt to do so" and "That doesn't mean you need to "hide" your position or affiliation with Cochrane. On the contrary, we should be transparent about associations with Cochrane and other organisations, but if you do mention your official title, it is even more important that you are clear whether you are speaking on behalf of Cochrane." This is exactly what we have done.

Fourthly, the use of the Nordic Cochrane Centre's letterhead furthermore makes it abundantly clear that our letter cannot be an official view of the Cochrane Collaboration. Similarly, when Tom Jefferson in our letter describes himself as "Honorary Research Fellow, Centre for Evidence Based Medicine, Oxford OX2 6GG, United Kingdom" it does not imply that the centre's director, Carl Heneghan, has sanctioned the letter.

I find it bizarre that the Cochrane leadership tells me that I should not use the letterhead of our centre and my title when I write official letters, which are a result of the work I do at the Nordic Cochrane Centre. My job description includes an obligation to share knowledge with the rest of society, including participation in public debate, which the letter to the EMA is an example of. Furthermore, my deputy director, Karsten Juhl Jørgensen, cannot use any other affiliation than the Nordic Cochrane Centre, as this is where he is employed. The same applies to me, as all the work I do is done at the Centre. To suggest otherwise would be misleading.

I furthermore wrote to Julie:

My work is followed by many thousands of people around the world and my scientific results often challenge the status quo and threaten powerful financial or political interests, so it would be surprising if no one didn't contact the Cochrane leadership now and then with questions with a malicious intent about the status of my work and about whether the Cochrane leadership agrees with me. Instead of going after me when this happens, the Cochrane leadership should support my work "in the spirit of collaboration," which is why we call ourselves the Cochrane Collaboration, and also because I try to serve the public - Cochrane's primary constituency - as well as I can, which our letter to the EMA exemplifies.

I have consulted with a lawyer at our hospital that has provided a preliminary opinion. She points out that conflicts in organisations should be resolved amicably and that it is problematic when those who write a policy are also those who decide whether the policy has been broken. This is sometimes the case in private companies, but Cochrane is a charity that aims at serving the public and in law, these two functions are always kept separate. This means that there is a particular onus on the Cochrane leadership to prove beyond any doubt - which it hasn't and cannot do as far as I can see - that it is right when it claims that I have broken the policy. I reserve the right to obtain more detailed legal advice should this be necessary.

Carl Heneghan, director of the Centre for Evidence Based Medicine in Oxford, UK, has provided some interesting observations that underline why we must change the Spokesperson Policy from being an instrument used to punish Cochrane collaborators publicly to one that tells people to stop asking silly questions of the Cochrane leadership, the answers to which they know already before they pose them.

I informed the co-chairs, Lisa and Cindy, before they wrote their rejection letter that I had consulted carefully with many people, including Carl Heneghan, Joerg Meerpohl, a Member of the European Parliament and a lawyer, none of whom felt we had broken the policy.

However, on 22 August 2016, Mark Wilson wrote to me:

Lisa and Cindy, Steering Group Co-Chairs, Julie Wood and myself have now been able to discuss this issue. We have carefully considered your emails to us over the last two months including your letter of 20th June, but further to Lisa and Cindys email to you of 28th July and your subsequent reply we have concluded that your letter to the EMA of 26th May did break Cochranes Spokesperson Policy. We recognize that this was not yours and Karstens intention, and that you do not agree, but that is our conclusion which we ask you to accept.

The Cochrane Collaboration is an evidence-based organisation and it is also about collaborating. I provided very convincing evidence in my letter to Julie Wood that I had not broken the Spokesperson Policy. Even so, without a single counterargument, without discussing my arguments, and even without referring to concrete text in this policy in his support, Mark simply said that we had broken the policy.

Final comments

I believe this type of top-down management I just described, which goes directly against the evidence, and which also sometimes amount to management by fear, should not be accepted in the Cochrane Collaboration. Mark Wilson's approach would not have been accepted if it had been a court case about whether some rule had been broken. It is a huge problem for due process in the Cochrane Collaboration that the same person, the CEO, is responsible for writing the policy; for investigating possible cases of violation of this policy; and for punishing people for alleged violations. In our societies, we have separated these three functions in order to prevent injustice. But Mark Wilson handles all three, and he made it clear at our Board meeting in Genève that he didn't even find it necessary to involve the person complained about before he came up with his verdict. This attitude must be changed. Furthermore, in contrast to criminal verdicts, there appears to be no expiry date for Mark's punishments.

The fact that the co-chairs allowed Mark to overrule their own decision in 2016, for no good reason and without any evidence in Mark's support, indicates that we have a huge problem in the Cochrane Collaboration with governing issues. This problem was clearly exposed in relation to an issue I brought up at my first Governing Board meeting, in Genève in April 2017, namely that we needed a

complaints procedure. The Board approved of minutes it knew were wrong in relation to this particular item, and Gerald and I requested that our comments about this were inserted into the minutes:

13.2 Complaints procedure

In response to a question from PG about how complaints about him have been handled, it was clarified that if a formal complaint is made about a member or members of Cochrane the following should occur:

- The individual must be informed and sent the original complaint. However, to protect individuals making complaints, the complaint is not to be disseminated to the media, posted on blogs, social media, etc.
- The manager does not have to disclose all the material from the complainant with the individual. For example, emails between individuals of Cochrane who are investigating the complaint.
- That we must follow the principles of the procedure that Cochrane already has for dealing with conflicts (located in the Cochrane's Charter of Good Management Practice and related policies).
- Cochrane members must also inform their manager of conflicts or potential conflicts.

Post-hoc notes on this item:

Co-Chairs: *When the draft minutes were circulated to the Board for comment, members contributed to a lengthy discussion by email about item 13.2. The Co-Chairs revised item 13.2 based on the email discussion of the Board. The final minutes, with the revised item 13.2, were then sent to the Board for a vote for approval. Although the version of 13.2 minuted above received majority approval by the Board members – and is therefore the official record -, the following two Board members asked for their disagreement with item 13.2 to be recorded in the minutes:*

Peter C. Götzsche Several Board members have pointed out that the minutes are misleading in relation to item 13.2. I did not raise a question about myself but about how complaints about senior people in Cochrane should be addressed by the CEO and the co-chairs. It was not agreed that the complaint should not to be disseminated to the media, posted on blogs, social media, etc. In my view, irrelevant complaints that have not been submitted in good faith should sometimes be exposed when the case has been dealt with, just like we expose cases of scientific fraud. Several Board members have objected to this sentence: “The manager does not have to disclose all the material from the complainant with the individual.” This was not discussed and not agreed to at the Board meeting, and it would not constitute a fair process. The sentence, “For example, emails between individuals of Cochrane who are investigating the complaint,” was not discussed or agreed to either. The minutes say that we must follow the principles of the Cochrane's Charter of Good Management Practice. Several Board members have noticed that this was not discussed and not agreed to and that the Charter furthermore does not cover what we discussed at the Board meeting. We discussed the New Zealand Principles of Natural Justice and the Board was sympathetic to these.

Gerald Gartlehner: GG states that he does not agree with the sentence “The manager does not have to disclose all the material from the complainant with the individual”. I think that this statement should be more nuanced and needs further clarification so that it cannot be used in a misleading way against Cochrane.

Mark Wilson was firmly against introducing any complaints procedure and although the co-chairs revised the minutes, he was involved, too, before they were sent to the Board for a vote for approval. This illustrates once again the problem we have in the Cochrane Collaboration with governing issues. We have allowed too much power to be concentrated in one man; and the co-chairs are not always impartial but are too close to the CEO.

Conclusions

The key issue, whether or not I can use the Nordic Cochrane Centre's letterhead in correspondence, is not in doubt. I can, provided that I adhere to the Spokesperson Policy, which I believe I always do.

Another key issue is that the Board should not allow Cochrane's CEO to set policies, investigate whether they have been broken, and to arrive at a verdict and a punishment. No civilized society allows such an enormous concentration of power in one man.

A third key issue is about co-chairs taking individual Governing Board members aside, in one by one encounters, with no witnesses, trying to convince them that they should do otherwise than they had planned. This is not appropriate, and not democratic, and has caused great distress on several occasions. Martin Burton took David Hammerstein aside in Cape Town and tried to convince him that he should withdraw from the Board before his assignment became officially announced one or two days later at the Annual General Meeting. David refused to do so. Several Board members became very angry about Martin's inappropriate intervention. Further, the Board had itself elected David, and although I was the one who persuaded David to run for the Board despite his many other commitments, Martin did not even inform me about his intervention. I consider David a highly valuable member of the Board and know that several Board members see it the same way. It is a sign of a culture at the top of the Board that must be changed that this could happen.

Finally, a statement put up on Cochrane.org in 2015 (attached), which was related to a newspaper article, should be removed. It is no longer relevant and should not be there indefinitely. This letter, and similar initiatives by Mark, is very damaging for our work at the Nordic Cochrane Centre. For example, UK professor of psychiatry, David Nutt, said in a lecture in New Zealand about six weeks ago that I had been kicked out of Cochrane. Many people say and write that the Cochrane leadership has publicly undermined my conclusions on psychiatric drugs and the drug industry, although it cannot have any "views" on these issues that carry more weight than those of a researcher who has studied these issues in great detail. The Spokesperson Policy cannot apply to my conclusions unless there is a Cochrane policy on the effects of psychiatric drugs, which there isn't. Cochrane will lose credibility if its leadership wants to apply scientific censorship and does not protect its own people against undue attacks from people like Torrey and Loonen who have behaved badly, which is why I suggest they should be told so in Mark Wilson's reply to them.

When I ran for the Governing Board, part of my election statement was: "The CET [Cochrane Executive Team] should be serving those people who do the bulk of the work, above all the authors and editors of reviews, but also those working in centres and methods groups. It has been noticed, however, that the CET has assumed a much more directive role, which has had unfortunate implications for the collaborative spirit and potentially for essential future contributions from those who are the backbone of the Collaboration and are creating the royalties without which there would probably be no Collaboration. Although there was general agreement that more direction and uniformity in the quality of our output was needed, and also that the CET has contributed importantly to this, many people feel that the process has gone too far."

What I have described above confirms that this is the case. Our CEO has gone too far.

Yours sincerely,



Peter C Gøtzsche

Professor, Director, MD, DrMedSci, MSc
Nordic Cochrane Centre
Rigshospitalet, Dept 7811