

<https://www.cochrane.org/news/statement-cochrane-governing-board>

Statement from Cochrane's Governing Board

Dear Cochrane members,

These are extraordinary times and we find ourselves in an extraordinary situation. Your Board is always happy to answer questions about our decisions, and today is no different. We want to explain how we got here today. This wasn't our original plan because we wanted to behave fairly and with integrity, in a process that respected the privacy of an individual, whilst taking place over a number of days. Days, which unfortunately span this special Colloquium.

This is about the behaviour of one individual. There has been a lengthy investigation into repeated bad behaviour over many years. It is exceptionally unusual for a Board to have to do such an investigation.

Last Thursday, the Board took a decision which divided the Board. Subsequently, four Board members chose to resign and have actively disseminated an incomplete and misleading account of events. At the same time, others contributed to a public and media campaign of misinformation.

We recognize that the last 24 hours have been exceptionally difficult and as a result, we as a Board have decided to share with you information about the decision that was made, the process by which it was made, and where we are now, in order to act in the best interests of Cochrane.

We now want to put before you as much evidence as we can, so you know what is going on. We cannot tell you everything. All of you will understand why individuals have a right to privacy and confidentiality. We ask that you all respect this, because we may not be able to tell you everything, for legal reasons and reasons of privacy.

By way of background, we are a global organization which operates under British law because we were founded as a UK charity. Our mission is to benefit the public. We are governed by our Articles of Association.

As the Board, we are in fact the employers of the Cochrane staff. All our staff, and our members, have the right to do their work without harassment and personal attacks. We are living in a world where behaviours that cause pain and misery to people, are being 'called out'. This Board wants to be clear that while we are Trustees of this organization, we will have a "zero tolerance" policy for repeated, seriously bad behaviour. There is a critical need for ALL organizations to look after their staff and members; once repeated, seriously bad behaviour had been recognized, doing nothing was NOT an option.

So, here are the facts as we are able to report them. We may be able to tell you more later, we may not. Time will tell.

This Board decision is **not** about freedom of speech.

It is **not** about scientific debate.

It is **not** about tolerance of dissent.

It is **not** about someone being unable to criticize a Cochrane Review.

It is about a long-term pattern of behaviour that we say is totally, and utterly, at variance with the principles and governance of the Cochrane Collaboration. This is about integrity, accountability and leadership.

In March this year, we received three complaints about an individual. These were not the first complaints that had ever been received. In fact, the earliest recorded goes back to 2003. Many have been dealt with over the years. Many disputes have arisen. Formal letters have been exchanged. Promises have been made. And broken. Some disputes have been resolved, some have not.

It was clear to the Co-Chairs that the Board had to reach a decision about these most recent complaints. The individual then made serious allegations against one of the Senior Management Team and shared those with the Board. We seemed to be in an impossible situation. How could the Board now reach a decision about the complaints in a fair way? How could we fulfil our responsibilities as employers of the Senior Management Team? Or alternatively, act to admonish that member of the Senior Management Team if they had done wrong?

With guidance from a Trustee with extensive experience of complaints, we proposed asking a totally independent person to undertake a review. The report was to be confidential to the Board.

After failing to get agreement from the individual to an independent review, we then sought legal advice on behalf of Cochrane. We asked the lawyers, what should a Charity such as Cochrane do in this situation? We were advised that various legal consequences flowed from the events – the complaints and the accusations - and that Cochrane should take them seriously.

We asked the lawyers to take particular note of Cochrane's commitment to transparency. They noted that, but also stressed the importance of confidentiality.

They advised that an independent review was both a sensible and proportionate response.

At the Governing Board Teleconference on 13th June 2018, all Board members read the letter from our lawyers. The lawyers stated that given the serious legal concerns about this matter they strongly recommended an independent review by a very senior lawyer. The Board approved a motion to accept the lawyer's advice and establish the independent review.

Our lawyers identified a senior independent lawyer (QC) and he was instructed on 2nd July 2018. As part of the process, he invited written submissions from both individuals concerned. He invited both to be interviewed. The lawyer was asked to work to a deadline of the Board Meeting on Thursday last week, 13th September. And, we did in fact receive his preliminary report in time for that meeting. The report completely exonerated the member of the Senior Management Team but did not exonerate the other individual.

Whilst the review was underway, and as a completely separate matter, a paper was published in the journal BMJ-EBM co-authored by the individual concerned on July 27th 2018. The publication of this paper has proved controversial. As a result, the Board received a number of letters of complaint. Each was sent to the individual to allow a written response. In order to avoid any misunderstanding, the Board want you to be clear that this was a matter that arrived very late in this whole process.

So, at the Board Meeting on Thursday September 13th, the trustees reviewed the lawyer's report of his independent review, and all the material related to the recently published paper. After they had reviewed and discussed this at length, the Trustees exercised their judgement, and looking across a broad range of behaviours, the Board came to a decision to invoke Article 5.2.1. relating to termination of membership. This was not unanimous.

As a result, Article 5.3 was triggered, and the member has been invited to make a written response within seven days.

At this point in time, this person remains a member of the Cochrane Collaboration. We are waiting for the process to be completed. We will report back to you about the outcome as soon as we are able to.

Let us repeat, this is an extremely rare and unusual thing to do. We hope never to have to do this again.

Cochrane Governing Board
17th September 2018
Monday, September 17, 2018