

Casus Wetenschappelijke Integriteit

2022

“Contributing to predatory publishing?” – unfounded

University of Twente

The complaint was filed and handled in English.

1 Timeline

On 4 September 2021, the Scientific Integrity Committee of the University of Twente (henceforth: the CWI/Committee) received a complaint from the complainant, in which the defendant, former employee of the [faculty], is accused of violating norms of scientific integrity. The Committee had to extend the time to address the complaint due to capacity constraints. On 25 April 2022, the Committee declared the complaint admissible, and parties were informed about the admissibility in writing. The statement of defence of the defendant was received, and shared with the complainant on 17 May 2022. The complete complaint was discussed substantively by the Committee on 1 June 2022. The Committee came to the conclusion that it was sufficiently informed and that a hearing was not necessary for the CWI to provide the Executive Board with an advice. Both parties were informed about this. The Committee's intended advice to the Executive Board was sent to both parties on 3 June 2022. Based on article 5.3 sub i of the complaints' procedure, both parties were given the opportunity to respond to factual inaccuracies in the intended advice within 10 working days. Since the Committee intended to not have a hearing, both parties were given the opportunity to also respond to substantive inaccuracies or lacunae. The response given by the complainant was addressed by making some changes in the advice, without necessitating further consultations, such as through a hearing. The final advice of the CWI was sent to the Executive Board on 22 June 2022.

2 Subject of the complaint

In summary, the complaint includes two issues, namely:

1. Potential scientific misconduct of the defendant
2. Publisher's behaviour

In the first issue, the complainant accuses the defendant of misconduct by associating with a predatory publisher, referring to the journal "[title of journal]", of which the defendant is presented online as the chief editor, and therefore accuses the defendant of violating scientific integrity, in particular standard 52 of the Netherlands Code of Conduct for Scientific Integrity (henceforth: the Code of Conduct), namely: "Do not establish a journal that does not apply the required standards of quality to its publications, and do not cooperate with any such journal."

In the second issue, reference is made to the behaviour of the publisher. If the publisher is indeed predatory, the UT might not want to be associated with this publisher. The complainant states that this question seems to be more of a legal issue for the UT than a question of research integrity of an individual employee.

3 Discussions and considerations CWI

To the understanding of the CWI, the factual situation is as follows:

- The complaint was submitted via the Executive Board, after the complainant had consulted the UT Ombudsman on the best way to act upon [his/her] concerns.
- On the date that the complaint was submitted, the defendant was a scientific guest-employee of [faculty].
- According to the website around the time of filing the complaint, the defendant is the chief editor of the journal "[title journal]".

POINT OF VIEW OF COMPLAINANT

The complainant is of the opinion that the journal is predatory, based on the following arguments:

- The journal's focus is overly broad.
- The journal's publisher [*name publisher*] is on [...] list of predatory publishers.
- Many publications published by the journal are of poor academic quality (i.e. single-author, spelling/grammar mistakes, no critical assessment/discussion, presenting pseudo science, no references).
- A fee seems to be requested upon submission, meaning submission equals publication.
- Papers appearing in this journal also appear elsewhere.
- The language used suggests industry influence.
- The website does not have a clearly stated peer review policy.
- The publisher's name suggests community but is only a publisher.
- The website seems too focused on the payment of fees.

To the opinion of the complainant, there are two interlinked issues, namely the potential scientific misconduct of the defendant and the behaviour of the publisher. The complainant is of the opinion that a link between a most likely predatory publisher and the UT can have detrimental effects on UT's credibility. If the publisher is indeed predatory, the UT might want to take action. The complainant mentions that this could be more of a legal issue than a question of research integrity.

POINT OF VIEW OF DEFENDANT

The defendant is of the opinion that:

- a negative and unwanted association was made. To the defendant, this situation was completely unexpected and most unpleasant. The defendant was fully unaware of the fact that [*his/her*] name was attached as member of the editorial board of this journal. So far, he was not aware to be in this position at the [*title journal*] of the [*name organisation*]. The defendant requested to delete [*his/her*] name immediately from the [*name organisation*] websites. [*his/her*] request has been implemented.
- to explain the possible reason for choosing the defendant as icon for this journal, it could be that perhaps [*his/her*] stay in [*foreign country*] and being a guest speaker at conferences, where [*name organisation*] was involved as well, might have led up to this situation. The conclusion of the defendant is that, regrettably, scientists themselves need to permanently screen web announcements afterwards.

In addition, the defendant mentioned speaking with the UT-confidential advisor, which helped.

CONSIDERATIONS OF THE CWI

The CWI is of the opinion that the combination of the written exchange of viewpoints allows it to provide a proper assessment on the validity of the complaint that is made. The Committee is convinced that it possesses the information necessary to provide a conclusive advice on the complaint.

For the part of the complaint that refers to issue no. 1, the CWI considers:

- that the defendant describes being unaware to be in the position of member of the editorial board of this journal. The CWI finds that there are no reasons to question the truthfulness of the defendant's statement about non-existent contribution to the [*title journal*] and the [*name organisation*].
- that unfortunately, predatory behaviour involving use of names and affiliations without prior consent is not uncommon, and scientists cannot be expected and should not have to check all such websites to see if their name is mentioned.
- that no present nor past web sources authored by the defendant were found in which the defendant presents or presented [*him/her*]self as editor to the [*title journal*].
- that (upon the defendant's action) the publisher already removed the defendant's name from the website.

For the part of the complaint that refers to issue no. 2, the CWI considers that this is a concern raised vis-a-vis the Executive Board, as an appeal to consider (legal) action. Should the complainant have intended this issue as a complaint, then this would not be admissible because the Complaints procedure of the CWI can only be invoked against UT-employees.

4 Conclusions and advice CWI

The above-mentioned considerations have led the CWI to conclude that:

- regarding the assessment of issue no. 1 and the compliance of the defendant with standard 52 of the Code of Conduct of Scientific Integrity, there are no grounds to conclude that a violation of standards of scientific integrity did occur, leading the CWI to advise the Executive Board to declare the complaint unfounded.
- regarding issue no. 2, although the CWI cannot pass judgement on this issue, the CWI suggests that the Executive Board considers:
 - o If the University wishes to be associated with this publisher and similar publishers when signals of predatoriness have been raised. The Executive Board is advised to look into that, taking into account the aforementioned conclusion regarding issue no.1.
 - o If instruments are available or can be developed and made available through which the university and/or its employees can effectively and efficiently detect predatory publishers/journals' behaviour by unjustifiably suggesting UT and/or UT-employee involvement in their undertakings.

[see additional considerations below]

ADDITIONAL CONSIDERATION

In view of the present case the CWI wants to share an additional, more general consideration with the Executive Board.

As noted, in this case consultation with the UT Ombudsman led the complainant to submit a complaint to the CWI (via the Executive Board), without first getting in touch with the defendant. The complainant is not formally required to do so, and consequently the CWI fully respects the complainant's choice not to do so on a voluntary basis; even when no reasons for not doing so are given. In this case the complainant did share reasons by stating that to the complainant, as in case of suspicions concerning unknown others in 'real life', to directly accuse an unknown colleague of wrongdoing seems inappropriate and would best be left to official authorities. Besides, engaging in informal contact may also lead a wrongdoer to take action that could jeopardise later CWI fact-finding.

The CWI fully acknowledges that there may be good (e.g., private or professional) reasons not to informally and directly engage with a suspected wrongdoer. Still, the course of events does lead the CWI to add two considerations to its advice to the Executive Board.

Firstly, to affirm that the CWI does find it desirable that when a (potential) complainant seeks advice about *[his/her]* best course of action, the question is raised whether it is opportune to approach the suspected wrongdoer directly and informally - whether or not through the intermediary of a confidential advisor, and while maintaining full respect for a negative response. Having a formal complaints procedure for scientific integrity is undoubtedly a crucial facility but should not deter from taking opportunities to informally point at, discuss and resolve potential issues. Nota bene, from what the CWI understands, the present case is a good example of how the complainant did indeed discuss the option of direct and informal contact.

Secondly, to emphasize that when such consultation takes place with parties other than the CWI-confidential advisor, the suggestion is made to consult the CWI confidential advisor – as the CWI will henceforth do more structurally when a complaint is submitted. Other parties may be very competent advisors, as is certainly the case with the UT Ombudsman (who may indeed have suggested this), but the CWI confidential advisor has the best knowledge about (going through) the CWI procedure. Of course, the complainant is also under no obligation to contact the CWI confidential advisor. The CWI intends to also put this viewpoint to the attention of UT support advisors.

5 Intended decision Executive Board

The Executive Board included the advice of the CWI, received on June 22, 2022, in the provisional decision taken on June 27, 2022, which was communicated to the parties on July 4, 2022:

- regarding issue no. 1 and the compliance of the defendant with standard 52 of the Code of Conduct of Scientific Integrity, to declare the complaint as unfounded,
- regarding issue no. 2, to investigate the possibilities,
- regarding the additional considerations of the CWI, to stimulate opportunities to informally point out, discuss and resolve potential scientific integrity issues and to make sure that complainants of complaints that are issued via the Executive Board are advised to consult the CWI confidential advisor.

6 LOWI

On July 27, 2022, the defendant (in the LOWI process: the applicant) requested the National Scientific Integrity Board (henceforth: LOWI) to advise on the complaint submitted and the advice given by the CWI. On October 4, 2022, the University of Twente received the advice of the LOWI, with the following considerations and conclusions (English translation of the Dutch original advice):

“8. The applicant asks the LOWI several general questions about the nature of the complaints procedure and about the role that a complainant and the CWI (should) play in it. In view of the code of conduct, however, the option to submit a request to the LOWI is not intended to address general questions of this kind, but to request a second opinion if parties do not agree with the CWI's advice. The LOWI will therefore only consider the Applicant's positions that specifically relate to the present case. These are the Applicant's arguments why, in [his/her] opinion, contrary to the opinion of the CWI, there is reason to doubt the Defendant's position. And, subsequently, that the CWI should have carried out a more thorough investigation of the facts. On these points, the LOWI considers the following.

9. The basis of the CWI advice is the Defendant's assertion that he is or was not editor-in-chief of the magazine and the Defendant's assurance that he was not aware that he was listed as such on the publisher's website. The LOWI has established that the CWI did not automatically follow the Defendant in [his/her] statement, but that the CWI checked whether other internet sources may indicate the contrary. This was not the case. The CWI also took into account the fact that the publishing house no longer lists the Defendant as editor-in-chief of the journal after [his/her] request, which, according to the CWI, apparently implies that the Defendant is indeed not or was not editor-in-chief. In the opinion of the LOWI, this constitutes a sufficient factual investigation in this case on which to base the CWI's advice. The Applicant's arguments are indirect in the sense that, in the opinion of the LOWI, they mainly cast doubt on the intentions and actions of the journal, but not the point of view of the Defendant. The Applicant has not convinced the LOWI that the CWI should have doubted the statement of the Defendant and should therefore have conducted any further fact-finding. Furthermore, the LOWI does not expect that a written exchange of views by the parties will shed such a different light on this case that the LOWI would reach a different conclusion than that the request is unfounded.

Conclusion

10. The request is manifestly unfounded. The LOWI will therefore not handle the request any further (Article 9 par. 1, opening words and under a, LOWI Regulations 2022). ”

[The original and complete LOWI advice in Dutch can be read on the website of the LOWI, via www.lowi.nl, request 2022-16]

7 Final decision Executive Board

The Executive Board included the advice of the LOWI in its final decision taken on October 17, 2022, which was communicated to the complainant, defendant and LOWI on October 20, 2022.

The Executive Board decided:

- regarding issue no. 1 and the compliance of the defendant with standard 52 of the Code of Conduct of Scientific Integrity, to declare the complaint as unfounded,
- regarding issue no. 2, to investigate the possibilities,
- regarding the additional considerations of the CWI, to stimulate opportunities to informally point out, discuss and resolve potential scientific integrity issues and to make sure that complainants of complaints that are issued are advised to consult the relevant advisor, such as the CWI confidential advisor.

[A summary can be read on the website of the UT, via www.utwente.nl/en/service-portal/organisation-regulations-and-codes-of-conduct/integrity/scientific-integrity, under 2021-03]