

UFAC Report to UFC on Unethical and Predatory Publishing and Motions to Create Greater Transparency about Professional Activity and a Workshop for new Faculty on Publishing.

## I. Overview:

Provost Jonathan Levin asked the UFAC to explore whether changes in the Faculty Handbook could be made in order to discourage faculty members from engaging in what is sometimes called unethical publishing. The Faculty Handbook is clear that setting criteria for promotion and tenure is the domain of the colleges, so we are not recommending changes regarding this issue to be made at the University level. However, we have researched the issue and present some recommendations for colleges to consider should they decide to update their P&T Appendices.

Unethical publishing requires unscrupulous producers of seemingly scholarly media that prey on members of the academy who need to publish in order to keep their jobs. Unethical publishing, which includes what is sometimes referred to as predatory publishing, also implies some degree of complicity on the part of the author. At its most pernicious, unethical publishing can be defined as seeking to publish in a journal that is not scholarly, but appears to be so, in order to gain academic prestige or merit as conferred by either the scholar's home institution or by the wider scholarly public.

Unethical publications disguise themselves as scholarly journals, creating the illusion of peer review. A journal portrays itself as offering peer review when it in fact does not, or when such review is offered it is so perfunctory that it is merely window dressing. Unethical publications might also have editorial boards that bill themselves as experts in a given field but who are not, and they might have an editorial staff that makes little effort to do even basic copyediting. Or an unethical publication might be essentially a blog packaged as a proceedings from a conference which the editor and associates self-publish without oversight from disciplinary peers in the academy.

Engaging in unethical publishing, if it is discovered, can destroy the reputation of an individual faculty member and force that person out of a job.

Pervasive unethical publication among faculty could damage the reputation of an institution as a whole. And because unethical publishing costs money and potentially skews how resources are distributed among faculty, it also, like a bad coin, drives good scholarship out of the local marketplace. While we agree that for these reasons unethical publishing is unacceptable, the UFAC also stresses that our committee has not tried to adjudicate, by gathering and interpreting evidence, whether faculty at Mary Washington are engaging in unethical publishing. To obtain such evidence would require that there be a thorough record of professional activity at the University that would be accessible to members of the University community. Such a record or archive does not exist, so committees such as ours fly blind when we wish to define the extent of the problem and what to do about it.

This leads us to our first and second recommendations, both of which do not require changes in the language of the Handbook. They are: one, that the UFC recommend that all professional activity done by faculty members in any given year be posted to a website that would be available to all members of the academic community at the university and that the university store in a digital archive the publications of all faculty at a site controlled by the library; two, that all incoming faculty, new chairs, and deans at Mary Washington be given the opportunity to attend a workshop on unethical publishing and on the pitfalls and potentials of open access publishing. These UFAC recommendations are made with a commitment to the integrity of the academy and the University of Mary Washington. Furthermore, unethical publishing can only flourish if faculty is uniformed or willfully unethical. This type of training can serve a dual purpose as both guidance for all and a warning for others.

It is UFAC's view that more transparency about professional activity among the University's faculty will go a long way toward solving the problem of unethical publishing, or to extend the term, unethical professional activity, without making it necessary to press charges as it were. We are convinced that when faculty members who know what constitutes unethical professional activity also know that others will see their work in the broader academic community.

## **II. Specific Recommendations**

**Therefore, the UFAC moves that the following recommendations be adopted:**

--*One, that a session on unethical publication, facilitated by a librarian, be a required part of new faculty orientation*, so as to enable faculty members to avoid the pitfall of becoming unwitting participants in unethical publishing. Such a session would also include a broader discussion of online publishing as both an opportunity and a risk in the context of academic publishing whether online or in print.

-- *Two, that the deans of each of the three colleges should be required to publish on a password protected website* all funds disbursed for professional activity by all faculty members along with the name of the venue and what the faculty member will do there.

-- *Three, that the deans also annually post to a website a similar list of all scholarly publications* that members of their respective colleges have published in that particular academic year.

-- *Four, that said publications or at least their citations or links be archived on a website associated with the library* where they can be available to tenure and promotion committees and as a resource to students and faculty, and potentially to a community of readers beyond the university.

### **III. Other Considerations: Promotion and Tenure and Academic Misconduct**

Other solutions would require rewriting the Faculty Handbook. They include revisions to the Colleges' Promotion and Tenure policies in the Faculty Handbook (Appendices I, J, and K) and/or the definition of Academic Misconduct (Sec. 6.8.2). In almost all of our equivalent institutions, and in all aspirational ones, demonstrating robust peer evaluation of academic work from people outside of one's home university is essential to achieving tenure and promotion. Such evaluations generally take into account the level of professional activity an institution or discipline expects as normal, given teaching loads and resources available for professional activity. Yet, our P&T policies are somewhat unusual in that they do not require such outside evaluation for tenure. More rigorous evaluation from peers outside the institution could reduce the potential for unethical publishing by putting a premium on publications and presentations in venues that exercise meaningful peer review. Outside review of work in tenure portfolios could also add more transparency to the substance of our claims to professional activity. To UFAC, increased transparency is the best medicine

against unethical academic behavior, and increased transparency also requires a more proactive dissemination of information about what constitutes legitimate academic work. In the following paragraphs we discuss two parts of the Faculty Handbook relevant to the issue of unethical publishing, although our committee does not recommend making changes to them.

#### A. Promotion and Tenure:

Because the Colleges each create their own P&T criteria and procedures, it is not in the purview of the UFAC to offer changes to Appendices I, J, and K of the Handbook. The charge to the UFAC is to “Study and recommend changes in University-level promotion and tenure policies and procedures to the University Faculty Council” (Sec. 7.11). At the University-level (Section 7 of the Handbook), there are no individual tenure or promotion criteria regarding professional activity. Were we to recommend adding specific University-wide criteria to Section 7 of the Handbook, it would have the effect of eroding the colleges’ autonomy in P&T criteria and procedures, which we feel should be protected. The UFAC is also charged with “oversight of the promotion and tenure criteria and processes used by all colleges” to ensure, in part, that they are “clearly stated” (Sec. 7.11). In our review of how the colleges define professional or scholarly activity, we find the language to be purposely broad in its definition. Judging from the wording in the Appendices and from the recommendations that tenure and promotion committees habitually make, it would seem to be the will of the faculty that what counts as professional activity remains ambiguous.

Nevertheless, an option might be for the UFAC to offer boilerplate language that colleges could adapt for use in their P&T appendices. For example: “The Promotion and Tenure Committee expects to see a pattern of scholarly, creative, and professional activity, demonstrated by the acknowledgement of disciplinary peers, that goes beyond mere attendance at meetings and conferences... The University expects the candidate and his or her department to provide information about the kinds of activities appropriate to the discipline that constitute equivalent professional activity and how these are demonstrated by some sort of peer review.”

But we feel that such changes will be interpreted by many of the faculty as “raising the bar” on tenure, even as we would argue that such a move would be in keeping with the spirit of academic professionalism and would be in sync with typical expectations of universities and colleges throughout the country. We are not sanguine that the faculty of the three colleges will be willing to make such changes.

#### B. Academic Misconduct:

There is another section in the Handbook that might also be used to guard against the effects of unethical publishing. This is the section on academic misconduct. Take for example section **4.8.2 Definitions of Academic Misconduct** which reads:

Although it may be more specifically defined by the discipline and/or in the college or department, academic misconduct is broadly defined to include, according to the U.S. Office of Research Integrity, fraudulent behavior such as “fabrication, falsification, plagiarism,[misappropriation,] or other practices that seriously deviate from those that are commonly accepted within [the particular scholarly community] for proposing, conducting, or reporting research [or other scholarly endeavors]. It does not include honest error or honest differences in interpretations or judgments” of results of scholarly activity.

Here the wording can be interpreted to already include unethical publishing under “other practices...for reporting research.” But a phrase spelling it out might be in order. After “...reporting research....” this could be added: “Misconduct in reporting research includes engaging in unethical publishing, that is, knowingly publishing in a journal that appears to be scholarly but is in fact not.”

A change in the Handbook here has the advantage of being clearly under the purview of the UFC which is not the case for changes in the Promotion and Tenure Appendices. However, our committee does not recommend such a change. It has a disadvantage that a motion on P and T language would not have, and that is due to its specificity. Note, that such language would call attention to a problem that may not exist. It would enshrine it as a sort of enduring stigma. In any case the language of the Handbook here is already sufficiently abstract to allow unethical publishing, if egregious, to be considered a violation of professional standards.

