

## CPC Summary of Case: Ballarini and Willam

### I. Original Complaint and Review

In 2018, ASCE received a complaint against Roberto Ballarini and Kaspar Willam, who at the time of the complaint were the current Editor-in-Chief and the prior Editor-in-Chief, respectively, of ASCE's *Journal of Engineering Mechanics* (JEM).

The complaint alleged that the two members violated the Code of Ethics in connection with their rejection of the complainants' discussion paper, which was submitted to JEM as a response to a paper modeling the World Trade Center collapse, which was published in that journal (hereafter, the Bazant paper). The complaints allege that the editors violated ASCE's Code of Ethics by rejecting their paper as "out of scope" for JEM, even though it was directly critiquing a paper which was published in that same journal. The codes cited in their complaint were Canons 3 (truthfulness and objectivity), Canons 6 (honor/integrity), and Canon 8 (treat persons fairly).

The complaint was accompanied by signatures from ten ASCE members in good standing, which under the Rules of Policy & Procedure at the time of submission, meant that the complainants were entitled to a hearing by ExCom regardless of the CPC's findings.

The CPC opened a case against both editors, but it learned that due to declining health, Kaspar Willam would be incapable of presenting a defense; Dr. Willam subsequently ceased to be an active ASCE member. As such, CPC proceeded solely with Dr. Ballarini as the named member.

In response to the CPC's request for information, Dr. Ballarini claimed that that he had no involvement in the decision to accept the Bazant paper and reject the complainant's discussion paper, both of which had occurred during Dr. Willam's term as Editor-in-Chief. However, he claims the paper was rejected based on an assessment of its technical merits. Dr. Ballarini acknowledged telling the complainants that he considered the paper as out of scope, but claimed this was to discourage any further contributions on this topic, as he felt the journal should focus on "significant advancements in mechanics" and did not believe it was the appropriate forum for prolonged debate on the causes of the WTC collapse.

The CPC also reviewed a statement by ASCE's staff Associate Publisher, Angela Cochran, which presented a timeline of the review process. The timeline noted that the editors' rejection of the paper was appealed to the Engineering Mechanics Institute board, which upheld the editors' rejection of the paper (attachment 1).

### II. Original Decision by CPC

Upon review of the information provided by the complaints, the accused member, and the ASCE staff contact, the CPC concluded that the evidence did not support a finding that an

ethics violation had occurred, and they notified the complainants of their conclusions as follows:

*Ultimately, the CPC feels that the concerns you raised are not an “ethics” issue. They felt that editors should have broad discretion to determine the scope of their journals, and they were not supportive of providing ethical scrutiny for an editor’s decision to accept or reject content in the absence of a strong indication of fraud, conflict of interest, or similar malfeasance—which they did not see in this case.*

### III. Amended Complaint

In response to the CPC’s findings, the complainants submitted a revised complaint in which they identified facts which they deemed as evidence of a conflict of interest for Drs. Willam and Ballarini with the authors of the original paper (in violation of Canon 4). The CPC reviewed the additional information but felt that the additional information did not support a conclusion that Dr. Ballarini failed to act as a faithful agent in performing his duties as editor of JEM and/or that his objectivity was influenced by a conflict of interest.

### IV. Exploration of Alternatives to Hearing

Under ASCE’s Rules of Policy & Procedure, the CPC is expected to “exercise every means possible to resolve ethical questions and charges of professional misconduct through measures other than reference to the Executive Committee.” The CPC endeavored to bring resolution as follows:

- a) The complainants were given time to pursue a complaint with the Committee on Publication Ethics, a membership organization to which ASCE belongs, whose charge includes reviewing complaints against scholarly journals. COPE reviewed the case and offered suggestions for improving JEM’s procedures for editorial review, but it declined to offer comment on the specifics of the paper’s rejection, which it deemed to be a matter of editorial discretion.
- b) Upon conclusion of Dr. Ballarini’s term as JEM’s Editor-in-Chief, ASCE offered the complainants the opportunity to resubmit their discussion paper for review by the new editor, Dr. Franz-Josef Ulm. The paper was reviewed and again rejected.

### V. CPC Recommendation

Based on its review of all arguments and evidence presented by the complainants, the accused member, and ASCE staff involved in handling the submitted manuscript, the CPC **does not** believe the evidence supports a finding that Dr. Ballarini violated the ASCE Code of Ethics.

The CPC recommends that the Executive Committee **dismiss** this case.