

FASEB Urges Secretary Shalala to Reject Commission on Research Integrity Report

FASEB wrote to [Health and Human Services Secretary Donna Shalala](#) to recommend the report on misconduct in science by the Commission on Research Integrity (CRI) be "disavowed" by the Department. Writing on behalf of the Federation, President Ralph A. Bradshaw, professor, Department of Biological Chemistry, University of California, Irvine, called the report "useless as a basis for policy making."

The CRI, chaired by Dr. Kenneth Ryan of the Harvard Medical School, transmitted its [final report](#) and recommendations to Secretary Shalala late last year. The report is titled, Integrity and Misconduct in Research. The Commission's mandate was provided by the NIH Revitalization Act of 1993. Ryan stated that mandate was "in reaction to continuing misconduct in research and retaliation against whistleblowers in spite of federal regulations existing since 1989 ..."

The letter to Shalala asserts FASEB's support for "the highest standards of ethical conduct and public accountability and responsibility in research." Bradshaw also notes FASEB agrees with one of the report's recommendations that scientific societies should develop and promulgate standards of conduct. Bradshaw expressed FASEB's willingness to work with other interested parties to improve federal guidelines covering misconduct in science. He said it was possible FASEB could convene a conference of the relevant parties, using the Federation's "experience and success developing consensus statements on science policy," noting such a conference could prove to be a mechanism to resolve this issue.

Ryan wrote to Shalala that the members of CRI "believe the recommendations unanimously supported by the Commission are realistic and balance the interests of government, research institutions, scientists and the public." FASEB strongly disagrees, finding the report to be "unbalanced" regarding its attention to the rights of whistleblowers versus the rights of the accused. "It contains numerous provisions to protect whistleblowers and virtually nothing to guarantee the rights of scientists," Bradshaw writes. Furthermore, the letter relates, "in science even the faintest taint of misconduct associated with one's work can be professionally fatal." Yet, the CRI report recommends open disclosure of the outcomes of all misconduct cases--not only those cases which resulted in a finding of misconduct. Thus, scientists found innocent of misconduct would nevertheless have information pertaining to their cases made public.

FASEB also regards the report as unacceptable at the institutional level. The report would require universities and research institutions to assume fresh obligations to prevent and police misconduct. FASEB is concerned such responsibilities would require additional financial resources at a time when the budgets of research institutions are under pressure. Bradshaw notes, "... the report is completely unrealistic regarding the ability of research institutions to pay for the many programs it apparently expects them to provide in this area."

One particularly important aspect of FASEB's disapproval regarding the CRI report is the report's new definition of misconduct in science. It recommends replacing the terms "fabrication, falsification, and plagiarism" with three other terms: "misappropriation, interference, and misrepresentation." FASEB labels the new definition as "unworkable" and calls the report's "definition of 'interference' and 'misinterpretation' open invitations to litigation by one aggrieved party or another in virtually any misconduct case using this definition as a basis for investigation." The Federation supports the definition of misconduct in science recommended by the National Academy of Sciences, which is fabrication, falsification, and plagiarism. FASEB believes this is a clear and unambiguous definition which covers behaviors that constitute misconduct in science that are not already designated as unlawful under existing statutes.

CRI report was sent to Congress as well as to Secretary Shalala. Dr. Bradshaw's letter containing FASEB's objections to the report was also sent to Secretary Shalala, as well as Rep. Thomas Bliley (R-Va), chairman of the House Committee on Commerce, and Senator Nancy Kassebaum (R-Kan), chairwoman, Senate Committee on Labor and Human Resources. Secretary Shalala has appointed an implementation group which is now examining the report's recommendations. The implementation group is expected to conclude its work and deliver its options concerning whether the recommendations should be implemented to Secretary Shalala in March.

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