FASEB

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[to see Press Release]

Coalition of Biological Scientists

Letter to William F. Raub

May 13, 1996

William F. Raub, PhD
Science Advisor - Office of Science Policy
Department of Health and Human Services
Hubert H. Humphrey Bldg.
Room 441E-MS415F
Washington, DC 20201

Dear Dr. Raub:

The fifty professional societies listed below, representing over 285,000 biomedical and bioscience researchers, support the highest standards of ethical conduct, public accountability, and responsibility in research. To this end, we are extremely concerned about misconduct in science, in particular its definition and regulation. The recently released report of the Commission on Research Integrity (CRI) addresses these issues, and some parts have considerable merit. However, there are many recommendations that we consider inappropriate and, therefore, form an inadequate basis for policymaking by the Department of Health and Human Services (DHHS).

At a recent meeting, representatives of these societies affirmed that:

> All issues of misconduct should be handled at the level of the research institution, whenever possible.
>
> Falsification, fabrication and plagiarism are so detrimental to the conduct of science that government action is appropriate when institutions fail to provide proper oversight of federally-funded research.

There are other issues that present a less severe danger to the scientific enterprise. These matters should be dealt with at the institutional level, and government involvement should be limited to encouraging

institutions to establish germane principles and educational programs for the full range of individuals involved in the research process.

We have more specific concerns in three major areas:

1. Definition

We agree with the definition of scientific misconduct developed by the Committee on Science, Engineering, and Public Policy (COSEPUP) of the National Academy of Sciences because it is more precise than the CRI definition. It states:

Misconduct in science is defined as fabrication, falsification, or plagiarism, in proposing, performing, or reporting research. Misconduct in science does not include errors of judgment; errors in recording, selection, or analysis of data; differences in opinions involving the interpretation of data; or misconduct unrelated to the research process.[1]

This definition serves as a clear guide for practicing scientists, teachers, and administrators, and establishes an unambiguous basis for investigating allegations of misconduct. The COSEPUP definition, unlike the CRI definition, does not rely on an open-ended set of examples and will not require extensive litigation to produce well-defined standards. We do, however, applaud the recommendation of the CRI report proposing the establishment of a government-wide definition of misconduct in science.

2. Rights of the Accuser and Accused

While we recognize that there have been instances where complainants in misconduct cases have been abused for coming forward, we also appreciate that there have been damaging consequences to innocent scientists from false statements. We abhor both situations. The CRI recommendations for the protection of accusers fail to give proper balance to both sides of these disputes and ignore the traditional principle of due process that is well-established in our society. We are particularly concerned that no provisions are made for violations of confidentiality, false statements, or other unlawful behavior on the part of accusers. Furthermore, disclosure of charges against exonerated scientists can entail a loss of reputation and result in damage to scientific careers. Proposed protections from retaliation are detailed, but similar protections for the accused and restitution for the exonerated are not specified. Accusers are given "the right to raise objections concerning the possible partiality of those selected to review their concerns without incurring retaliation" and the opportunity "to comment on the accuracy and completeness of information relevant to their concerns, except when they violate the rules of confidentiality." These provisions make the accuser part of the investigating team and create an asymmetric relationship with the accused. This imbalance unfairly burdens the accused with a "guilty until proven innocent" stigma and does not serve the interests of science or society. We believe that allegations of misconduct should be addressed seriously, but fairly, with respect to all parties.

3. Role of Federal Oversight

Without evidence that new intrusive, expensive, and time-consuming programs are needed, the CRI report proposes to create costly and unwarranted administrative mechanisms (forms, certifications, reviews, site-visits, and audits) that will reduce the productivity of the public's investment in science. These unfunded mandates will result in substantially greater federal involvement in institutional operations, requiring them to establish elaborate and expensive enforcement mechanisms which DHHS will have the authority to overturn. Importantly, the mandate of the Office of Research Integrity (ORI) is currently vague and undefined, particularly with respect to the cases it chooses to investigate. We recognize the importance of ORI in protecting the government's interest in cases involving fabrication, falsification, or plagiarism, but these activities should be closely defined and not broadly expanded into over-regulation.

Sincerely,

Ralph A. Bradshaw
FASEB President

Endorsed by the following scientific organizations:
American Association of Pharmaceutical Scientists
American Association for Dental Research
American Association of Anatomists
American Association of Immunologists
American College of Sports Medicine
American College of Toxicology
American Federation for Clinical Research
American Gastroenterological Association
American Institute for Medical and Biological Engineering
American Ornithologists Union
American Physiological Society
American Psychological Association
American Society for Animal Science
American Society for Biochemistry and Molecular Biology
American Society for Bone and Mineral Research
American Society for Cell Biology
American Society for Clinical Nutrition
American Society for Investigative Pathology
American Society for Microbiology
American Society for Neurochemistry
American Society for Nutritional Sciences
American Society for Pharmacology and Experimental Therapeutics
American Society for Virology
American Society of Hematology

American Society of Human Genetics
American Society of Parasitologists
Association for Research in Vision and Ophthalmology
Association for Women in Science
Association of American Physicians
Association of Biomolecular Resources Facilities
Association of Systematics Collections
Biomedical Engineering Society
Biophysical Society
Endocrine Society
Environmental Mutagen Society
Genetics Society of America
International Society for Interferon and Cytokine Research
Orthopedic Research Society
Phycological Society of America
Protein Society
RNA Society
Society for Cryobiology
Society for Neuroscience
Society for the Study of Reproduction
Society for Physical Regulation in Biology and Medicine
Society of Chinese Bioscientists in America
Society of Nematologists
Society of Toxicology
Teratology Society
Wound Healing Society

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