

# FASEB Concerned About Balance of Rights between Accused and Accusers

In 1993, Congress required the NIH Secretary to establish the Commission on Research Integrity (CRI). In late 1995, this commission assembled a report with 33 recommendations on misconduct in science, which was sent to Congress and Department of Health and Human Services (DHHS) Secretary Donna Shalala. Secretary Shalala appointed an intra-departmental group to review the report and advise the department about implementing its proposals. The Implementation Group was chaired by DHHS Science Adviser William Raub.

In April, FASEB organized a meeting of over 40 biological and biomedical research organizations to discuss the CRI report (*see June 1996 FASEB Newsletter, page one*). The result of that Coalition of Biological Scientists meeting was a joint letter to DHHS (endorsed by 53 organizations with combined memberships of over 290,000 scientists) which criticized many aspects of the CRI report, particularly a proposal to broaden the definition of misconduct in science. In June, Raub's group offered its implementation proposals on the CRI recommendations. Of the 33 CRI recommendations, the Raub Implementation Group concluded 23 deserved implementation (some of these with modifications).

FASEB's Public Affairs Executive Committee (PAEC) examined the Raub Implementation Group report and found many parts of it objectionable. FASEB sent a letter to Shalala on July 2 to convey that assessment and state that several of the group's proposals "will result in unjustified expansion of federal oversight roles leading to costly, burdensome, and unwarranted intervention into the activities of local institutions." FASEB declared that this does not serve the public interest and diverts resources from scientific research. (*Letter to Shalala available at: [www.faseb.org/opa/hhslett2.html](http://www.faseb.org/opa/hhslett2.html)*)

FASEB also pointed to the Implementation Group's proposal to expand the Office of Research Integrity's (ORI) authority by granting it subpoena power over persons and documents as a significant extension of authority. "Greater use of site visits will also expand the federal role and reduce the autonomy of local institutions, and will entail a significant cost to the Department."

Another objectionable component of the proposals could overthrow the balance between the rights of the accused and the accusers. FASEB's letter asserted: "We deplore those situations in which there is retaliation against individuals bringing charges of misconduct. Protection for complainants, however, must not take place at the expense of the accused. We believe that allegations of misconduct should be addressed fairly, with due process for all parties."

FASEB was pleased the Implementation Group supported a government-wide definition of research misconduct. The Implementation Group listed as a principal proposal the "active participation by the Department in interagency deliberations under the aegis of the Office of Science and Technology Policy (OSTP) regarding a possible uniform definition of research misconduct for use by federal agencies."

Policy issues surrounding misconduct in science are not likely to be resolved soon. The DHHS has not indicated when it will make decisions regarding implementation proposals on recommendations by the CRI. Recently, FASEB President John Suttie asked the Responsible Conduct of Research Subcommittee of the Public Affairs Advisory Committee (PAAC) to produce a report on the appropriate role of the government in scientific misconduct disputes. He also asked the group to consider developing a set of general principles on scientific conduct that should be present in institutional guidelines.

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