

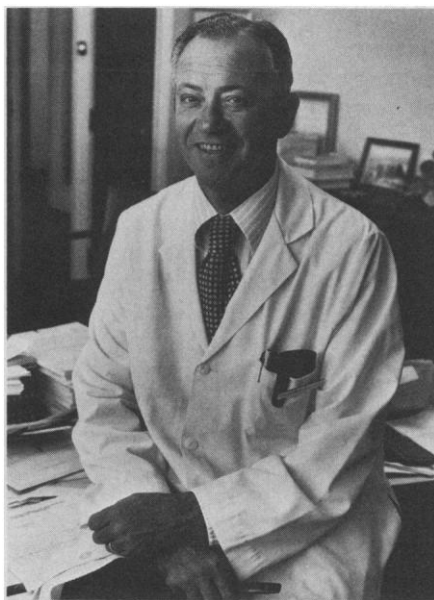
AAMC Speaks on Coping with Fraud

Schools are urged to develop procedural guidelines and to examine ways to maintain high ethical standards for research

The Association of American Medical Colleges (AAMC), in a policy statement adopted on 24 June, has adjured academic research institutions to develop a "conspicuous and understandable mechanism for dealing with instances of alleged fraud." In the wake of a number of highly publicized incidents of research fraud at some of the nation's most prestigious medical schools, the AAMC becomes the first organization to write guidelines for coping with dishonesty in science.

As far as can be determined, none of the country's medical schools has, as yet, established clear-cut procedures to be followed in the event that someone is accused of falsifying research. According to Julius R. Krevans, chancellor of the University of California at San Francisco and chairman of the AAMC committee that wrote the policy statement, the AAMC hopes that its 127 member schools will use its guidelines to develop such procedures. "It is important," says Krevans, "that institutions be prepared, in advance, to respond to allegations of fraud in an expeditious, fair way." The statement, which emerged as a compromise between those on the committee who favored a detailed, highly specific set of rules and those who preferred only a broad acknowledgment of concern, says, "Although it would be virtually impossible to anticipate in advance the precise course that all investigations and subsequent actions should take, procedures for handling initial reports of fraud should be established prospectively and all researchers should be cognizant of the existence of these procedures."

The AAMC policy, titled "The maintenance of high ethical standards in the conduct of research,"* is notable in some regards for its statement of what ought to be obvious. It suggests, for example, that institutions adopt policies that "define misrepresentation of research data as a major breach of contract. . . . This policy should particularly be articulated in the faculty handbook." Although the idea that those who commit



Julius R. Krevans

Academic researchers must be held to the highest standard of ethical conduct.

fraud should be fired seems clear enough, the AAMC felt it needed to be plainly stated. Says committee member Jeffrey Sklar of Stanford University, "It puts the faculty on notice that fraud will not be tolerated."

Were universities to establish procedures in line with the AAMC's suggestions, they would develop a two-tiered system for responding to allegations that some committee members liken to the grand jury system.

Reports of alleged fraud should, at first, be investigated by the department chairman, AAMC suggests; but the dean and a select committee should be brought into the picture immediately "if the initial report of misconduct is not regarded as blatantly frivolous in nature." This stage-one investigation would be undertaken in confidence, to protect the accused against groundless charges. However, according to the AAMC guidelines, confidentiality would give way to disclosure if an initial review calls for more thorough investigation. Once a decision is made that there are sufficient grounds for such an investigation, all collaborators and financial spon-

sors of the accused should be informed. This raises the question of the responsibility of the funding agency, an issue with which NIH is now grappling (see box on p. 227).

This point caused considerable debate among committee members because of the harm that could be done to the reputation of an innocent researcher. "There was concern, for instance, that an investigation could be manipulated by a person's 'enemies,'" said Stuart Bondurant, dean of medicine at the University of North Carolina at Chapel Hill. "But the university's responsibility to the granting agencies outweighs this concern."

According to Krevans, "By making public notification of the accusation, there's no question but that we're injuring the reputation of the accused person during the investigation, but that's the price you have to pay. Our statement is quite explicit about this, and I think it's one of the more important points we've made." The paragraph, which many committee members expect will draw controversy, says, "It is recognized that in these procedures a faculty member's reputation is put at risk during the investigation. This is justified since scientists on the university faculty occupy a special place of privilege and responsibility and must be held to a higher standard of conduct. The procedures indeed must be fair to the individuals involved. They must also be designed to be responsive to the special responsibility that science and faculty have to society."

Aware of the fact that some institutions have recently come under fire for the way in which they handled allegations of fraud, the AAMC report recommends that any serious investigation be undertaken by a committee that is outside the department involved. According to Bondurant, in some instances this could mean a committee of persons largely from other institutions. In a large university, faculty from the law or engineering schools, for instance, might qualify as outsiders in an investigation in the medical school. Although the report declines to specify the composition of the investigating committee in detail, it

*Copies are available from the AAMC, Suite 200, One Dupont Circle, NW, Washington, D.C. 20036.

makes clear the point that a department should not be allowed to get into the position of investigating itself.

With respect to the scope of an investigation of misconduct, the AAMC takes the broad view: "... consideration should be given to the review of *all* (emphasis added) research with which the individual is involved," it says, adding that if a person is found guilty, institutions and sponsoring agencies with which he had been associated in the past should also be informed "if there is reason to believe that the validity of previous research might be questionable."

If the person is exonerated, "formal efforts should be undertaken to restore

fully the reputation of the researcher and others under investigation," the statement says. Committee members acknowledge that this would be difficult to accomplish altogether.

The AAMC guidelines encompass concern for the protection of persons who bring allegations "in good faith,"—junior faculty or technicians, for instance, might fear job loss or salary reduction if there is no institutional policy on their behalf—but the report does not go as far in this direction as some committee members would have liked. One of the panel members argued, for example, that accusers be granted permanent anonymity, as are whistle-blowers in certain large corporations that

have established ombudsman's offices to which employees can report misconduct. But the idea that one has a right to know one's accuser prevailed.

In a section dealing with establishing fair procedures, the report notes that the accused must have an "adequate opportunity to explain and defend his actions, including, when appropriate, confronting those persons who presented evidence of fraud." Anticipating a legal challenge in cases in which a person is found guilty, the AAMC notes, "If action adverse to a faculty member is taken . . . and such action is later challenged in court, the court ordinarily will look to see if fair procedures have been followed. . . ." The report advises universities to con-

NIH Grapples with Misconduct

The National Institutes of Health (NIH) held a symposium for its staff on 25 June to discuss the question of cheating in research. The aim, according to William Raub, organizer of the program and head of extramural research, was to answer questions, exchange ideas, and report on progress toward the development of a unified NIH policy on misconduct, which is scheduled to emerge in finished form at the end of the summer.

At the start of the session, Raub outlined questions that today confront NIH staffers: What to do about allegations? What data is to be gathered? To whom to report problems, and under what circumstances? What sanctions should be considered? "These questions," he said, "until a few months ago were largely unanswered, much less addressed."

He also noted some of the prickly questions that face NIH officials. One incident recently concerned whether the results of an investigation should be shared with members of a study section, the group of scientists who decide whether a research proposal has merit and is worthy of federal funding. The initial NIH impulse had been to separate ethical questions from those of technical ability. In this case, however, "the view that eventually prevailed was that the offense was inextricably caught up with the qualification of the person to do science, and could not be separated from areas of technical judgment." All such decisions, he noted, are currently made on a case by case basis.

One NIH staffer said a question had arisen in a study section about whether a coprincipal investigator was falsifying data. "The work was just too good to be true," he remarked. He asked Raub whether higher NIH officials should be informed in such a case, and what should be done about the investigator's other grant applications. Raub replied, "When in doubt, report it," if only to clarify the problem. Rather than outright fabrication, said Raub, this particular case might just represent the "overzealous interpretation of data."

Another staffer opined that questions of data falsification confront members of study sections on at least one occa-

sion almost every time they meet (which is about three times a year). Still another questioner wondered about the legal liability of study section members on matters of libel and slander. The NIH general counsel replied that members, even though not direct federal employees, were working for the government and that the comments they made in the course of their work were usually privileged. And if there was any problem, he reassured his questioner, a study section member would be represented by the Department of Justice.

Discussion turned to protecting the rights of the accused. Whenever evidence of a problem comes to light, said Raub, the accused is informed. However, he noted that NIH administrators are still learning the fine points of the procedure. He recounted the story of how a lawyer, representing a scientist recently investigated, called with several complaints about the handling of his client's case. NIH had mailed him a copy of the completed report, but failed to mention if it contained all the charges or whether NIH would consider a rebuttal. "I assured him those were all the charges and that, of course, we would consider a rebuttal. That's why we sent it along. We went through this process for about a half hour, and when I put down the phone I realized that the sensitivities of all of us, starting with myself, need to go an awful lot higher to make it clear that people not only accused but also under investigation have the full range of their rights."

Within the next month, according to Raub, a draft document on the new NIH policy will start making the rounds. By the end of the summer, it will be a set of finished reports that will offer guidance not only to NIH staffers but also to client universities and institutions. "We need to inform them of their obligations," said Raub, such as when to inform a federal patron of suspected fakery.

The problem of misconduct, according to Raub, is small when the total number of NIH awards are taken into consideration, "yet the capacity for doing violence to public confidence in NIH and the scientific community is such that the topic has become a first order concern."

—WILLIAM J. BROAD

sult with their attorneys when developing policies in this area.

In addition to its attention to procedures for handling allegations of fraud, the AAMC committee looked to some other elements of university life that need attention with an eye to "maintaining high ethical standards" in the first place. Again, its thinking reflects lessons drawn from the few recent instances in which fraud has occurred. Among the points it makes are these:

- Faculties should be encouraged to "discuss research ethics to heighten awareness and recognition of these issues." Nathan Hershey, a professor of law at the University of Pittsburgh, thinks it would be a good idea for medical schools to hold ethical grand rounds from time to time.

- Institutional policies should be established to provide: (i) an appropriate and clearly defined locus of responsibility for the conduct of research, (ii) assurance that individuals charged with supervision of other researchers can realistically execute their responsibility, and (iii) particular attention to adequate supervision of large research teams.

- Policies should be set on authorship of papers and abstracts "to ensure that named authors have had a genuine role in the research and accept responsibility for the quality of the work being reported." As one committee member noted, were this idea to gain real acceptance, the number of papers to a department chairman's credit would drop precipitously, and rightly so.

In many ways, much of what the

AAMC has said seems obvious. Institutions should have in place procedures for coping with fraud so that the faculty doesn't have to cope ad hoc when problems arise. Although fraud is rare, and probably never can be totally prevented, those pressures of academic life that drive some people to dishonest research should be reviewed. Quality rather than quantity of research ought to be what counts in building a reputation.

None of this is startling, except the fact that it apparently needs to be said. As Krevans remarked in an interview, "One of the most important things about this statement is that it puts us on the record as recognizing the problems and the fact that it is the universities' own responsibility to deal with them."

—BARBARA J. CULLITON

Frank Press Takes Exception to NAS Panel Recommendations on Marijuana

Academy president registers dissent on proposals for marijuana policy, says data insufficient to justify committee's "value-laden" judgments

National Academy of Sciences president Frank Press has taken the unusual step of publicly stating his personal disagreement with the central recommendations of an Academy report on marijuana policy* and suggesting that the committee may have exceeded its charge.

Press apparently reacted particularly to the committee's expressed preference for ending criminal penalties for possession of small quantities of marijuana and its recommendation that serious consideration be given by the federal government to decriminalizing measures for control of supply of the drug.

In his letter of transmittal accompanying the published report, Press wrote, "My own view is that the data available to the Committee were insufficient to justify on scientific or analytical grounds changes in current policies dealing with the use of marijuana. In this respect I am concerned that the Committee may have gone beyond its charge in stating a judgment so value-laden that it should have been left to the political process."

The report, released with no fanfare, is the product of a 4-year deliberation by the Committee on Substance Abuse and Habitual Behavior, a standing committee of the National Research Council, the

research arm of the Academy. The committee's activities are supported mainly by the National Institute on Drug Abuse (NIDA).

NIDA administrator William Pollin says that he was "not pleased," with the report. Asked to comment on Press's suggestion that the committee had gone beyond its charge, Pollin said, "It's not a matter of exceeding the charge." His main objection was that the committee "skipped the main question."

Pollin says NIDA expected the panel to help NIDA to come up with "an analysis of costs and benefits on a range of policy options" including decriminalization of marijuana use and a move to regulation of supply rather than prohibition. NIDA was particularly interested in learning "under which options you would get a decrease in overall consumption." The committee "did not do this," said Pollin. "They made the assumption that a change in policy would not lead to increased use."

Pollin said that he had other criticisms of the report and that a letter to Press detailing them was being drafted. Pollin was at pains, however, to say that despite his reaction to the marijuana policy report, the committee had been "overall a very useful committee" to NIDA and

the "Academy is an important and valuable scientific resource" for the agency.

How has the committee taken the response to its work? The committee's chairman, Louis Lasagna, head of the department of pharmacology and toxicology at the University of Rochester Medical School, said that he has not polled his colleagues, but "My own feeling is that Press has the right to express his opinion if he wants to. But I hope that the letter doesn't give people the impression that the report didn't go through the full Academy review process." He says that the final version of the report satisfied the reviewers and all but a few members of the committee.

Lasagna adds that he doesn't think that people who read the complete report should react strongly to it. He notes that the committee points out that marijuana is a harmful drug and that lighter enforcement of laws against possession "have not led to an avalanche of new use." He suggests that the report's major emphasis on the value of public discussion of the pros and cons of changing policies on marijuana "is not a radical thing to say."

For its assessment of the health effects of marijuana use the report leans heavily on the recent report, *Marijuana and*

*An Analysis of Marijuana Policy.