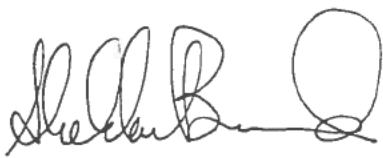


IN STRICT CONFIDENCE

September 17, 1990

TO: Julius R. Krevans, M.D.
Chancellor

FROM: Professor Sheldon Baumrind, Chair
Committee on Privilege and Tenure 

RE: Hearing Committee Report on Dr. Raphael Stricker

The Committee on Privilege and Tenure, investigating the charges of scientific misconduct against Dr. Raphael Stricker, has concluded its deliberations. The Committee's report is enclosed. As required by Senate Bylaw 335, G. 6, the report is also being sent to Dr. Raphael Stricker and Professor Daniel Simmon who is the Chair of the Universitywide Committee on Privilege and Tenure.

I would like to draw your attention to two matters. The first relates to the final section of the report entitled Collateral Considerations. Although each member of the Committee fully endorses the report as written through page 6, three members wished to include comments on the nature of the charges. It was decided, therefore, to have each member sign the report at the bottom of page 6 signifying endorsement of the report up to that point. Those three members who endorsed the Collateral Considerations signed again immediately below that section.

The second matter concerns [REDACTED] signature. [REDACTED] is presently in Europe and has given me permission to sign [REDACTED] name to the report. [REDACTED] has expressed [REDACTED] approval of the report through a telephone call and is sending written confirmation. Since most of the discussion of the Collateral Considerations took place in [REDACTED] absence [REDACTED] chose to abstain from comment on that section.

I would like to commend the members of the Hearing Committee for their diligence and the representatives of Dr. Stricker and the University for the thoughtfulness and fairness with which their positions were prepared and presented.

cc: Dr. Raphael Stricker
Professor Daniel Simmons

IN STRICT CONFIDENCE

Report of the Hearing Committee Reviewing Charges Against

Dr. Raphael Stricker

The undersigned Hearing Committee appointed by the San Francisco Faculty Academic Senate Divisional Committee on Privilege and Tenure met on July 30, July 31, and August 1, 1990 and conducted a hearing on charges brought against Dr. Stricker, Assistant Professor in Residence in the Department of Laboratory Medicine, by Dr. Julius R. Krevans, Chancellor of the University of California, San Francisco.

Chancellor Krevans charged Dr. Stricker with violating the provisions of Section II, Part II-B [Faculty Code of Conduct] which provide in pertinent part as follows:

Scholarship

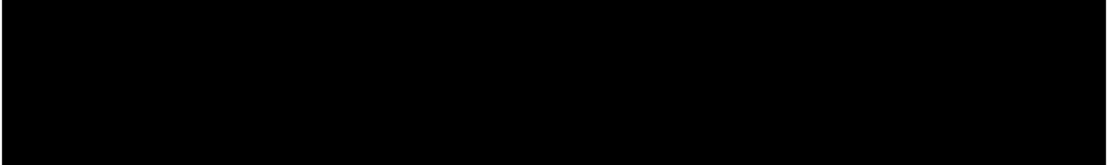
Ethical Principles. 'Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities place upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgement in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.' (AAUP 1966; Revised , 1987)

Types of Unacceptable Conduct

Violation of canons of intellectual honesty, such as intentional misappropriation of the writings, research, and findings of others.

The specific acts of "unacceptable conduct" which is to say conduct which violates the canons of intellectual honesty are alleged by the University to be that:

1. Dr. Stricker practiced fabrication, falsification, deception, and/or other practices that seriously deviated from those commonly accepted within the scientific community for conducting or reporting research in connection with a paper submitted to the Journal of Immunology entitled 'Autoantibody-Mediated Cytotoxicity Directed Against CD4+ T-Cells in AIDS',
2. Dr. Stricker practiced fabrication, falsification, deception, and/or other practices that seriously deviate from those commonly accepted within the scientific community for conducting or reporting research in connection with a paper published in Nature 327, 710, 1987, entitled 'An AIDS Related Cytotoxic Autoantibody Reacts with A Specific Antigen on Stimulated CD4+ T Cells',

3. Dr. Stricker practiced fabrication, falsification, deception, and/or other practices that seriously deviate from those commonly accepted within the scientific community for conducting or reporting research in connection with a paper published in the New England Journal of Medicine (Vol 313, pg. 1375-1380, 1985) titled 'Target platelet antigen in homosexual men with immune thrombocytopenia'.
4. 

During the three day hearing, the Committee listened carefully to extensive testimony from witnesses for Dr. Stricker and the University and to presentations by counsel for both parties. The Committee met in executive session on the evening of August 1, 1990 and during the day on August 9, 1990, and there have, been numerous other consultations between members since that time.

Findings of Fact:

A. Concerning Charge 1.

The original basis for inquiring into Dr. Stricker's conduct was the discovery of possible irregularities in the manuscript submitted to the Journal of Immunology. This paper and the circumstances surrounding its preparation and submission became the subject of the first charge.

The Hearing Committee finds that there indeed were several serious problems in the preparation and submission of this paper.

Specifically:

1. The paper was submitted to the Journal by Dr. Stricker without prior notification to his co-authors and without showing them a reasonably complete manuscript copy. Prior to submission, Dr. Stricker had made little or no attempt to consult with his co-authors or to ascertain that his descriptions of the methods and conclusions were acceptable to the co-author who had actually performed the experiments being reported. This co-author was supplied with an abridged copy of the manuscript for the first time approximately one week after the paper's original submission. Upon reading the manuscript, she ascertained that the characterization of the experimental methods and outcome in the manuscript differed substantially from her own notes. Although she informed Dr. Stricker of this fact soon thereafter, no attempt was made by him to inform the Journal of the differences prior to the rejection of the manuscript.

2. Figure 2 in the manuscript is misleading in several regards in a manner which cannot reasonably be interpreted as accidental. Specifically:

- a. Some of the materials in the Figure report an experiment which either did not take place or, if it did take place, was not relevant to the subject of the paper. The Figure purportedly summarizes the results of two replicate experiments. In an early investigation of the manuscript, Dr. Stricker represented to [REDACTED] that the second of these experiments had taken place on August 1, 1988. [REDACTED], who presumably had conducted the experiment, then indicated that [REDACTED] could not have done so since [REDACTED] had left UCSF by that date. Dr. Stricker now admits that the second antibody-mediated cytotoxicity experiment was never performed. He now says that the data on the second experiment which were presented to [REDACTED] and summarized in Figure 2 were abstracted from a totally unrelated experiment on a different subject, for which the original records are no longer available.

We consider it unlikely that Dr. Stricker could have confused data from an unrelated experiment so completely as to have used it without being able to identify its source. We conclude that Dr. Stricker made use of inappropriate or fabricated data to support his scientific contentions. The accepted scientific standard is that all data presented as having been derived from a particular experiment shall indeed have been derived from that experiment.

- b. In order to derive the values printed in Figure 2, which generally support Dr. Stricker's scientific hypotheses, certain mathematical transformations were conducted. Dr. Stricker performed these transformations using idiosyncratic methods which were not explained in the paper but were presented for the first time before the Hearing Committee. Dr. Stricker presented within a single figure findings calculated by two different methods neither of which is conventional. There was no indication in the paper of how the transformations had been performed, and it was impossible for the reader to be aware that transformations had been performed. Such practices are deceptive, and it is difficult to imagine that Dr. Stricker did not realize that they would mislead the reader.
- c. That portion of Figure 2 which concerns the blocking of AIDS eludate with H2B histone reports values which are consequently at variance with the values supplied to Dr. Stricker by the co-author who actually performed the experiment. The values reported by Dr. Stricker in the Figure support Dr. Stricker's hypothesis, while the values supplied by his co-author do not support it.

Dr. Stricker now says that this disparity is the result of his misreading of a faulty xerox copy of the original data. This explanation had not been presented by Dr. Stricker to [REDACTED] and [REDACTED] in his

exchanges with them in December 1988 and was not presented to [REDACTED] during its meetings in early 1989. The late presentation of this explanation for the erroneous data presentation casts doubt on Dr. Stricker's argument that the error was accidental.

The Hearing Committee concludes that there is an overwhelming likelihood that Dr. Stricker altered the data, yielding findings which supported his scientific belief.

3. On or about December 1988 a discussion was held in [REDACTED] office to consider the apparent irregularities in the Journal of Immunology manuscript. Participating in the meeting were Drs. Stricker, [REDACTED] and [REDACTED] although not all three were present during the entire exchange. As it became evident that there were serious problems with the manuscript, the discussion became agitated. It is [REDACTED] strong recollection that at one point Dr. Stricker confessed to the fabrication of data. Dr. Stricker now maintains that he did not confess to fraud, but was rather apologizing for the fact that the manuscript did have some deficiencies. [REDACTED] does not remember a confession of fraud, but notes that [REDACTED] was not present throughout the conference.

The majority of the Committee members found that, on balance, [REDACTED] version of the incident was more credible than Dr. Stricker's, but the lack of corroboration by a witness was considered by some to constitute grounds for uncertainty. Therefore, differing weights were assigned to the confession by different members of the Committee.

B. Concerning Charges 2 and 3.

At the time of the preliminary investigation of the first charge, the decision was made to investigate the question of whether there might be additional irregularities in previous published work of Dr. Stricker which could possibly constitute a pattern of ongoing conduct "violating the canons of intellectual honesty". It was from investigation seeking to examine this question that the second and third charges against Dr. Stricker resulted.

The second charge concerns the article in Nature. The Committee finds the evidence of intentional misrepresentation not to be as clear as it is with respect to the first charge. The Committee did, however, conclude that the handling of data and the approach to normalizing data in Figure 4 were idiosyncratic and questionable.

The third charge concerns the New England Journal article. Here, there is substantial evidence that data were available to Dr. Stricker at or soon after the submission; of the paper which establish conclusively that the abnormal band he had characterized in the paper as being pathognomonic of AIDS is also present in several other conditions. Yet no attempt was made by Dr. Stricker to modify the findings reported in the submitted paper either before or after publication. This failure to qualify the data substantially increased the probability that readers would draw erroneous conclusions from the publications.

C. Concerning Charge 4.

[REDACTED]

Conclusions: (Inferences from the "Findings of Fact")

With respect to Charge 1, the members of the Hearing Committee unanimously agree that the preponderance of the evidence justifies the conclusion that Dr. Stricker did engage in fabrication, falsification and deception in a manner which seriously deviates from the standards commonly accepted within the scientific community in the preparation and submission of the Journal of Immunology manuscript, "Autoantibody-Mediated Cytotoxicity Directed Against CD4+ T Cells in AIDS".

With respect to charges 2 and 3, the issues are less clear. The members of the Committee all agree that there were irregularities and departures from the usual standards for reporting scientific findings in the preparation of both the Nature and the New England Journal of Medicine papers. Each of the Committee members is uncertain as to whether the departure from usual standards with regard to either of these papers taken individually is sufficiently egregious in and of itself to constitute "scientific misconduct" as defined in the Faculty Code of Conduct. On the other hand, four Committee members do believe that when the evidence with respect to charges 2 and 3 is considered together with the findings on the Journal of Immunology manuscript, there is substantial evidence that the Journal of Immunology matter is not an isolated incident, and that a pattern of inappropriate conduct has characterized Dr. Stricker's research activities. The fifth Committee member believes strongly that the available evidence on these charges is so ambiguous that the Committee should not consider them at all in arriving at its recommendation.

As has been noted above, the fourth charge had a somewhat different character from the others in that

[REDACTED]

the Hearing Committee makes no finding on this charge.

Consideration of Mitigating Circumstances

At the hearing, Dr. Stricker proposed that those irregularities which were admitted to have occurred with respect to the Journal of Immunology manuscript were a consequence of his inexperience, naiveté and lack of scientific training combined with insufficient supervision of his work by his superiors.

The Committee found these arguments to be unconvincing and unanimously rejected them. It was the unanimously expressed belief of the Committee members that any person in Dr. Stricker's position could reasonably be expected to know that altering or fabricating data in order to support one's scientific contentions constitutes scientific misconduct and is categorically impermissible.

Recommendation

The recommendation of the Hearing Committee is based primarily on its findings in regard to the first charge because the evidence with respect to that charge is most categorical and least subject to alternative interpretations. All five members of the Hearing Committee agree that Dr. Stricker did in fact engage in serious scientific misconduct in the preparation and submission of the Journal of Immunology manuscript. On the basis of our findings, four of the five members of the Hearing Committee recommend that Dr. Stricker be dismissed from University employment.

The fifth member suggests that as an alternative Dr. Stricker be suspended from University employment without pay until the time at which his reevaluation for permanent retention as a member of the faculty would normally be considered. At that time, this document and the findings of the other committees which have investigated this case would be taken into consideration during the normal administrative and academic review of Dr. Stricker's fitness for retention as a faculty member.

COLLATERAL CONSIDERATIONS

Several members of the Committee are concerned that the charges in this case may have been too broadly drawn. They believe that there is an important distinction between charges of "fabrication, falsification and deception" on the one hand and charges of having engaged in "other practices that seriously deviate from those commonly accepted within the scientific community" on the other hand.

The first of these two categories is inherently well defined; the second is amenable to subjective interpretation. Under some circumstances, faculty concerns about the existence of a broad and undefined category of "other practices" might act as a constraint upon the free exchange of non-normative ideas within the scientific community.

For these reasons, the Committee members suggest that in the future charges in cases like the present one be phrased in terms of allegations of specific acts of "fabrication, falsification and deception", and that charges not be brought under the category of "other practices that seriously deviate from those commonly accepted in the scientific community".

