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The media's "want" to know . . .

Posted on August 16th, 2010 by earlehholland

If you believe the *Boston Globe* and the *New York Times* – and few other American newspapers are as believable as they are – then [Harvard University](#) is withholding information about one of its faculty that rightfully belongs in the public spotlight.

How dare they!?

Last week, *Globe* staffer Carolyn Johnson broke the story that one of Harvard's professors, psychologist [Marc Hauser](#), was the subject of a three-year investigation related to purported charges of scientific misconduct. [I use the term "purported" since no report of the investigation has yet been made public.] The *Times* and other news media sprinted to catch-up.

It was, by all measures, a big story. Partly, because . . .

- Hauser was one of the institution's rising stars, extremely popular among students and highly visible before the public;
- The alleged investigation was supposed to have been underway for three years and kept more-or-less secret all that time;
- And Harvard had refused to release the alleged report, claiming that "reviews of faculty conduct are considered confidential," according to the *Globe*.

It was partly the last of those three reasons that was fueling the frenzy, the fact that the media sought documents that they believed the university was withholding, most likely to curtail potential institutional embarrassment.

"*Harvard is urged to detail inquiry*" said one headline in the *Globe*. "*Harvard keeps mum as scientists call for transparency in probe*" read another.

In these days of expected "instant gratification," the perceived withholding of any information from the public – or most often, the news media as surrogate for the public – is seen as a major sin against society. The press' conclusion: Harvard is obviously trying to cover its ass by not releasing the report in question!

Except it isn't. It's trying to comply with federal law that mandates confidentiality during a scientific misconduct investigation.



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In the early 1980s, a number of high-profile cases of scientific misconduct filled the media coverage. To some, it appeared that there was a sudden epidemic of such cases – some proven but many more where the accusations lacked any proof. But scientists, their institutions and the federal agencies that fund much academic research readily knew that accusations alone were enough to irreparably ruin careers.

Inculcated in the rules and regulations governing allegations and investigations of scientific misconduct is a mandate of confidentiality, largely to protect the innocent but also to insure that the accused in such cases has the protections of due process.

The federal **Office of Research Integrity** is the key player for investigations involving research funded by the **National Science Foundation** and the **National Institutes of Health**. ORI's guidelines give institutions little leeway when it comes to talking about ongoing investigations. And policies at most research institutions mirror the federal regs.

In the **Public Health Service Policies on Research Misconduct**, Section 93.108(b), it says, *"Except as may otherwise be prescribed by applicable law, confidentiality must be maintained for any records or evidence from which research subjects might be identified. Disclosure is limited to those who have a need to know to carry out a research misconduct proceeding."*



Elsewhere in the regulations, ORI acknowledges that individuals at an institution cannot be punished for failing to keep information confidential, but their institution might be sanctioned for not adhering to the requirements of the law. Therefore, the cost to the university for prematurely making information public can be severe.

In most cases, an institution would inform ORI of allegations of misconduct and then begin a multi-stage process of inquiries and investigations intended to answer the charges. In cases where the allegations are upheld, the investigating institution informs ORI of its findings and ORI either agrees or conducts its own investigation. Regardless, in cases confirming misconduct, ORI will release its conclusions.

But in cases where allegations of misconduct are not sustained, there is no final public report. The intent here is to protect the reputation of the researcher wrongly accused.

And that's how it should be. Reporters clamoring for immediate access to information need to remember that science is a slow process and adjudication in misconduct cases is appropriately deliberate. ___*Earle Holland*

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6 Responses to "The media's "want" to know . . ."

David Harris // Aug 16, 2010 at 4:05 pm

Hi Earle,

Based on what I was hearing from some journalists who were trying to cover this, the major frustration was that Harvard was coming out with a "no comment" response. Presumably if Harvard had explained these points of law clearly and quickly, there would have been a lot less fuss.

David

[earleholland](#) // Aug 17, 2010 at 9:50 am

David:

I agree that Harvard had a much better — and more accurate — explanation available in referring to the federal regs, and that their response that personnel matters are confidential was lame at best. Then again, Harvard has never really been all that forthcoming on matters such as this. However, I don't think the reporters should be let off the hook that easily. The stories I've seen, which largely position Harvard as stonewalling (one guesses out of embarrassment), seem to be lazy journalism. It's easier for reporters to just let the reader assume that than explaining what the constraints of the regulations are. And the Harvard spokesperson isn't blameless either. Based on my experience, few PIOs or reporters take the time to learn the rules of operation pertaining to areas of research risks and therefore just miss the chance to give the public a clearer picture of this portion of the research universe. Always good to hear from you!!

Earle

[Paul Statt](#) // Aug 19, 2010 at 11:45 am

Let's not forget the other reason this is news: because it's happening at WGU, as Boston Globe columnist Alex Beam used to call it: "World's Greatest University." If it happens at Harvard, it's news.

[Carey - Online Degrees](#) // Aug 24, 2010 at 2:20 pm

I'm not sure if the response from Harvard what that to hide anything but they might not have been ready to make an official statement. They could have just said that however instead of the whole no comment statement. Also I agree with Paul, that fact that it was at WGU and not Harvard makes it less news according to the media.

[Consumer Reviews](#) // Sep 7, 2010 at 12:03 pm

This is kind of a double edged sword. On one side – yes – if a faculty

member is being investigated – I want to know. On the other side, the facility member is entitled to his/her privacy. If it were me being investigated – I would want my privacy.
Kind regards.

[turf suppliers](#) // Jul 15, 2011 at 1:24 am

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