

# *University Senates and the Law: A Case Study*

by Alan W. Clarke and Laurie Anne Whitt

University senates across the country have, over the past few years, increasingly been called upon to develop and debate policies governing scientific misconduct.<sup>1</sup> Yet these bodies are often at a decided disadvantage in crafting policies to safeguard the interests of their constituencies.

Most university administrations and governing bodies are represented by capable counsel. University senates, on the other hand, unless the faculty is unionized, typically find the only legal counsel available to them is one provided by their employers.

The senates are thus thrust into this dilemma in formulating policies with major legal implications: Either they proceed without the benefit of any legal advice, or they rely on legal advice proffered by university attorneys who do not necessarily represent the interests of their constituencies.

The university attorneys' are, moreover, the very attorneys who

will defend the university in any proceedings that faculty or staff might initiate against the university on a disputed policy.

Whichever horn of the dilemma the senates choose, the interests of faculty and staff run the risk of becoming seriously compromised. Two phenomena make this risk more likely. The first is the frequently deceptive rhetoric of "shared governance" that many university administrations propound. We will not address this issue, beyond noting that it can—though it need not—be a most effective compromising device.

The second is the myth of the legal perspective, the widespread tendency to regard the law as clear and predictable, neutral and facilitative. In the grip of this myth, senators assume that counsel for the university will provide "objective" legal advice, independent of any biased perspective.

Such an assumption could not rest on shakier ground. This

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assumption naively neglects the thoroughly adversarial nature of the legal system. It also overlooks a basic reality: The law remains profoundly indeterminate. Legal issues are rarely clear, unequivocal, and uncontended. What lawyers and judges do is *interpret* the law.

Legal questions are especially murky, notes a report from the National Academy of Sciences, on allegations of scientific misconduct: "The procedural issues are extraordinarily complex, and there is little case law in the public record to guide and inform analysis of these issues."<sup>2</sup>

**W**hen university senates set out to formulate scientific misconduct policies and procedures, these bodies must weigh carefully the interests of those who elected them to represent and safeguard their interests. Such policies and procedures have important legal implications and impact the members of their constituencies in serious and lasting ways. The interests of university faculty and staff are ill-served when the only legal argument available for consideration by senators are from an attorney who represents their employer.

Moreover, different classes of employees may have different interests. The interests of tenured faculty, for instance, are not always

congruent with those of untenured and adjunct faculty, while staff may present other dissimilar interests.

Interests, of course, may also align—and employees will align with each other more often than with management. To place everyone in one category and assert that there can be one neutral, disinterested, "correct" legal perspective strikes us as either naive or manipulative. Having a labor-oriented perspective that challenges this neutrality myth is a necessity, not a luxury.

The impetus for our study originated in an actual academic debate over scientific misconduct policy in the Michigan Technological University Senate.

Like many research-oriented institutions, MTU has had to consider issues of priority, plagiarism, misuse of government and corporate funding, theft of ideas, data dredging, and the like.<sup>3</sup> The MTU senate began revising the university's scientific misconduct policy and procedures in 1994. The effort spanned approximately four years.

The crucial background facts: In 1995 the MTU senate passed, and the provost and president approved, a Scientific Misconduct Policy and Procedures document that contained explicit reference to "due process." But the plan was rejected by the university counsel, who opposed inclusion of due process

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language.<sup>4</sup> The provost then sent a revised version of the document that eliminated the due process language to the senate for reconsideration.

The university counsel was invited to address the Senate just before the vote was taken, presumably to provide senators untrained in law with the neutral legal “facts” they needed to make an informed decision.

But since, as university counsel, this attorney was retained to represent employer interests, she presumably was there to do just that. She characterized herself as a lawyer who traditionally represents public sector employers and presented her perspective on the document under consideration. Her argument, as accurately condensed as we can make it, essentially, was this:<sup>6</sup>

**D**ue process is an exceedingly vague term that even “the Supreme Court can’t figure out,” she told the senate. Because due process is so vague, it should be removed from the document since inclusion might be construed as granting a property right to students, untenured faculty, and other researchers who otherwise would not have such a right.

The due process language found in the scientific misconduct policy, the university counsel argued,

could open the floodgates in other areas.

This reasoning led the provost and several senators to infer that the words “due process” in any university-wide document could even lead to lawsuits over bad grades!

Would eliminating due process from the document limit faculty protections? There was no need to worry, she assured the senate. Since, she continued, faculty with tenure have due process rights whether such rights appear in a scientific misconduct policy or not, reference to due process doesn’t add any protection over and above that already provided by the specific misconduct procedures. And due process language isn’t necessary anyway because the consequences of a finding of scientific misconduct are so severe “everyone will be careful here.”<sup>7</sup>

Since the Senate was without resources to challenge university counsel effectively, or even to raise the pertinent questions, the result was a stunningly one-sided legal debate. Worse, it allowed the subject to be treated as if there were no alternative way to approach the problem. That left the university attorney able to frame the debate so completely that the senate voted that evening, by a slim margin, to strike the document’s due process language, depriving research faculty and staff of important protec-

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tions in scientific misconduct proceedings.<sup>8</sup>

By revisiting in this article the arguments for the elimination of due process language, we hope to be of some help to other university senates in the process of formulating or revising their scientific misconduct policies.

The first thing to be learned from our experience at Michigan Technological University: Because university counsel typically fail to provide analysis from the employee's point of view, their accounts of due process are uneven and flawed.

**T**here is legitimate debate even among lawyers who represent employers about how much process should be given employees. MTU's lawyers, for example, have written a chapter in the ICLE publication entitled "Hiring and Firing Employees" which strongly advocated that employers take all possible steps to preserve the at-will relationship.<sup>9</sup> They argue that an employer must avoid "just cause" language and must maintain the flexibility to fire employees at will without cause. Maintaining the at-will relationship perforce involves limiting to the greatest extent possible notions of cause or due process. Thus, the terms "at will", "just cause" and "due process" are conceptually linked. Vercruyse and Dickson's

presumption against any process which might give an employee access to a judicial forum is evident. So although the fit between "at will employment" and due process is imperfect, the tenor of university counsel's position is evident.<sup>10</sup> While university attorneys cannot, practically, speaking, return tenured faculty to at-will status (at least not without abolishing tenure as it is presently known) they can and do advocate policies that limit the protection that tenure gives to faculty.

Other employers' attorneys take issue with this hard-line approach. One cautions that: "The employer must weigh the benefits of this reservation [of the at-will doctrine] against the costs of establishing such a policy in terms of employee morale."<sup>10</sup>

In short, some employer attorneys acknowledge that having an employment contract that provides for just cause dismissals may be in the employer's own self-interest. If lawyers who represent employers disagree on such basic issues as providing due process safeguards to employees, how likely is it that they would agree with lawyers who represent employees?

Where university counsel's arguments are unrebutted, as they were in the debate at MTU, these arguments carry far more weight than they are otherwise entitled to.

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Despite the many invidious jokes about lawyers that are commonplace today, their prestige in society, combined with the esoteric nature of their subject, guarantees that they will face little effective opposition from an unrepresented university senate.

**M**any lay persons, including university researchers, are unaware of the degree to which reasonable lawyers disagree. Non-lawyers, even with Ph.Ds, are likely to be unduly swayed when confronted by seemingly credible and un rebutted legal argument.

In our case, the university attorney argued that the omission of due process language is "not a significant change" and yields a document that is from "a legal perspective more sound." But this argument was premised upon a logical fallacy. Once the fallacy is exposed, the argument fails.

The attorney argued that the administration's proposed policy would provide more procedural protections by specifying that the procedures must be followed than it would by merely invoking the words "due process."

Due process, the university attorney concluded, adds no protection to an accused person's rights. But this reasoning sets out a false dichotomy.

It is not true that we have to

choose between specifying procedural rights in a policy or adding due process language to a policy. Plainly, a person accused of scientific misconduct would, if rational, want specific procedural protections required in the policy as well as the general umbrella of due process protection.

Why is this general due process protection needed? What does due process language for faculty and staff add that specific procedures, by themselves, lack?

One answer came from an MTU academic senator who tried to counter the university attorney's anti-due process contentions. This senator offered a hypothetical situation where all of the procedures were scrupulously followed and the person accused of misconduct was found innocent at each level only to be found guilty by the university president.

The subsequent vote to drop the due process language suggests that many in the senate believed that the courts could and would intervene in such a demonstrably unjust situation.

Yet MTU's attorney, when pressed, conceded that an accused individual in that hypothetical situation would have very little legal recourse,<sup>11</sup> an admission that demonstrates how unrealistic it is to suppose that the courts can stand guard in the background and

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right any wrongs that might occur. Unless provision is made for due process review in a policy itself, the courts, on their own, won't provide any relief.

**T**his point cannot be over-emphasized: Any safeguards that a university senate desires for those it represents must be clearly stated in the university's policies and procedures.

MTU's scientific misconduct policy, for example, appeared to rule out a role for decision-makers with conflicts of interest. But the policy did not guarantee an impartial decision-maker, and there was no mechanism for enforcement.

If there were due process language in the policy, and anyone involved in the decision-making process were demonstrably biased, the courts might well have a basis to rectify the wrong.

No one can say with certainty when a court will or won't rectify an obvious injustice. What can be said is that a wrongly accused researcher would have a far better chance of receiving a fair hearing if a policies and procedures document contains due process language.

During the MTU debate, university counsel continually asserted that tenured faculty would receive due process in any event. But it is not at all certain what this guarantee might mean in real life.

Would it apply to disciplinary matters short of dismissal? Likely not.

Courts, for instance, have ruled that a reprimand resulting in injury to reputation is not redressable under tenure procedures.<sup>12</sup> A faculty member could well face discipline without receiving a fair and impartial hearing so long as the university's tenure documents were not otherwise violated.

But a reprimand for a scientist is more serious than the courts have allowed.

When a scientist is reprimanded, she stands to lose not only her reputation, but also her opportunities for future employment. . . . Given the intensely competitive nature of science funding, damage to reputation is constructive disbarment. This is because scientific research depends on public funding to an unprecedented degree. Elizabeth Howard, *supra*, at 341-42.<sup>13</sup>

In the same vein a Comment in the *San Diego Law Review* argues: "Because a scientist's career may be destroyed by a finding that misconduct was committed, it has been suggested that a high degree of due process in the investigation is in order."<sup>14</sup>

The university's attorney argued that MTU's Scientific Misconduct Policy contained more elaborate procedures than does a due

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process clause alone, but the only way to ensure full due process is to explicitly provide for it. In any event, the point is to have both.

Quite tellingly, the MTU policy and procedures document, upon closer inspection, appeared to have several serious deficiencies. It lacked a cross-examination provision and the right to a public hearing. Any university scientific misconduct policy, however complete, is likely to have similar deficiencies.

It is, after all, humanly impossible to anticipate all the possible specific procedural protections that a policy should explicitly address, a key reason why including broad “due process” language is so important.

Much of the vagueness in the U.S. Bill of Rights exists for the same reason. The founders of the Constitution understood clearly that all protections cannot be expressly set out once and for all. We must rely on the common shared understanding of broad terms such as “equal protection” and “unreasonable searches and seizures” to make certain we do not omit important rights in our zeal to spell out everything.

Note, too, that while denying access to the courts invites abuse, the argument that allowing access to the courts will open the floodgates to “junk science” and abusive lawsuits has not been borne out by

the evidence.<sup>15</sup> Similarly, due process protections will only come into play when there is a strong argument that an injustice has occurred. The economics of litigation insures that most people will be unlikely to proceed without at least a substantial possibility of success.

**S**lippery slope arguments, such as those raised by university counsel that due process would lead to a flood of frivolous litigation, are always suspect. The burden is on the proponent of such arguments to provide evidence that supports their slippery slope charges,<sup>16</sup> and university counsel failed to do so.

Looking at this another way, it is not at all clear that a faculty member with tenure who is charged with scientific misconduct would be provided due process even when there is a due process right in the university’s tenure code.

Suppose your worst enemy—who did not otherwise have a conflict of interest beyond intense dislike for you—headed the committee that had found you guilty of scientific misconduct.

Suppose that, as a tenured faculty member, you were now facing a tenure hearing on dismissal. One would expect the university’s lawyer to argue on behalf of the university that you already had

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been found guilty of serious misconduct and that you could not “relitigate the issue.” And that argument could indeed prevail in the courts.

In other words, you might well lose your job, even though tenured, simply because due process language is lacking in the scientific misconduct policy and procedures document.

The consequences for anyone without tenure are even more serious. These colleagues may well be at the mercy of senior researchers and administrators.

Suppose a senior person, with large grants and a politically powerful base in the university, were to take a dislike to a particular junior colleague. In the absence of due process language, how likely is it that this colleague would get a fair misconduct hearing? Or redress in the courts if the hearing is unfair?

The case of Herbert L. Needleman, a medical doctor, provides a telling example of the necessity for due process guarantees.<sup>17</sup> Dr. Needleman tracked lead poisoning in inner city children. Scientists employed by the lead industry attacked him viciously for many years and ultimately provoked an entirely spurious charge of scientific misconduct.

Dr. Needleman was forced to

fight just for the right to a public hearing. Once he won the public hearing, his accusers curtailed their offensive against him. Needleman was exonerated, and his work is now regarded as of the highest quality. He concludes that “Once an inquiry or investigation has begun, it should operate under formal principles of due process.”

The most detailed procedures are worthless if not scrupulously adhered to. Language requiring that the procedures of a scientific misconduct policy be scrupulously followed notwithstanding, due process language can better guarantee that appropriate procedures are, in fact, followed. The full content of due process cannot be adequately captured by any set of procedures.

To some extent due process operates as a roving ombudsman with power to correct blatant injustices not otherwise adequately captured by specific rules. As Elizabeth Howard points out:

A charge of misconduct endangers the reputation and grant-obtaining ability of the professional scientist. Subjecting a scientist to misconduct proceedings without the benefit of due process protections both violates her constitutional rights and runs directly counter to the public interest. Due process protections must be provided to

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minimize the chilling effect of misconduct regulations on a scientist's willingness to pursue experimental research, and to maximize the ability of a fact-finding body to determine whether research is fraudulent.<sup>18</sup>

In her conclusion, Howard notes: "To ensure fairness and promote efficiency, the best approach is to provide due process protection in every instance of alleged misconduct that merits investigation."<sup>19</sup>

**I**t is true that no one knows the precise contours of due process. But the notion of due process does provide protection against the worst abuses of power and may, in certain circumstances, open access to the courts. Due process guarantees are not a panacea, but they do add significant protection to the innocent and are most definitely in the interests of faculty and staff engaged in scientific research.

One supposed reason for rejecting due process language in MTU's scientific misconduct policy revolved around a litany of fanciful and undesirable consequences that might ensue because of its inclusion.

But each of these supposed consequences, one senator pointed out during the senate debate on this issue, could be addressed by specific limiting language.

One example: The improbable scenario of students protesting a grade and using the scientific misconduct policy to somehow create a property right that did not otherwise exist could be addressed by specific language eliminating such possible grounds.

Similarly, if the senate were concerned that non-tenured researchers might acquire a property right they otherwise did not have, the policy could include limiting language to prevent this eventuality. Although as a body that represents employees it is difficult to see why a university senate would do this.

The university attorney also failed to inform the senate that the probability of a student succeeding in a lawsuit over a bad grade would be close to nil, regardless of whether such limiting language was used. Of course, anyone can make an argument; the challenge is to make the argument succeed in court.

Removing due process language from scientific misconduct policy documents, we have tried to show, would have serious and profound implications for researchers, leaving some with no more than the minimal employment rights granted by tenure. The situation for untenured individuals would be even more tenuous.

Many higher education institu-

tions do, in fact, use due process language in their scientific or academic misconduct policies. That these institutions continue to thrive undermines the slippery-slope argument on the consequences that would arise from retaining due process language.<sup>20</sup>

In her arguments during the MTU debate, the university counsel made the somewhat curious point that even the United States Supreme Court doesn't always know what due process means. It appears that this lawyer believes that there should be one unchanging concept called due process that courts somehow find and then mechanistically apply. This mechanistic, formalistic, and static view of the law fails to appreciate the changing and dynamic nature of due process.

Due process is not static. It changes with the Supreme Court, which, in turn, crudely reflects, and shapes, changing notions of justice in our society. Because due process changes, it is not possible to pigeon-hole it. We cannot give a definition that will suffice over time. But we can show that due process has generally provided increased protection.

It is in the interests of those a university senate represents to

incorporate into policy documents a vibrant, evolving sense of justice and fairness. When our notion of fundamental fairness expands, a university's policies should expand with it.

Conceptions of due process mirror our notions of fairness. These notions of fairness evolve over time. A document that incorporates due process language will automatically incorporate these evolving notions of fundamental fairness.

All members of a university community have an interest in scientific and academic misconduct policies that include due process protections. No matter how broad or detailed the policies of a university may be, these policies will provide more protection if they incorporate basic due process notions.

Far from being antiquated, due process remains a vibrant and important concept. University senates should vigilantly ensure these important protections. And, in this effort, university employees and their representatives need access to counsel, union or otherwise, skilled in employee legal rights and perspectives. ■

## ENDNOTES

<sup>1</sup> This is largely because in 1989 the Public Health Service required universities to formulate scientific misconduct policies as a condition of continued PHS funding. 42 C.F.R. 50. The National Science Foundation followed suit shortly thereafter.

<sup>2</sup> Responsible Science: 1 Ensuring the Integrity of the Research Process, National Academy of Sciences, Washington, D.C., 113 (1992). *Id.* at 105. These complexities are further com-

pounded by the differing investigatory approaches advocated by the Office of Scientific Integrity (OSI) on the one hand and the National Science Foundation (NSF) on the other. OSI directors have contrasted their "scientific dialogue model" with the "direct confrontational" model that they attribute to the NSF. JULES V. HALLUM AND SUZANNE W. HADLEY, SCIENTIFIC MISCONDUCT: THE EVOLUTION OF METHOD, 3 AAAS PROFESSIONAL ETHICS REPORT 4 (No.3, Summer 1990). One might question the

appropriateness, accuracy and balance of such descriptors. One issue that divides them concerns the extent and nature of due process guarantees - specifically whether accused researchers may question their accusers during an investigation. The OSI does not allow this; the NSF does. Since this matter is tangential to the concerns regarding due process expressed here, we confine ourselves to the following observations. The right to question is basic, and a prerequisite of fairness. Questioning is also fundamental to both scientific and academic debate. There is no reason to suppose that a collegial approach to misconduct investigations need, much less ought, sacrifice this right, nor that by honoring it one thereby transforms them into invidiously legalistic, adversarial proceedings. Indeed, the inclusion of "due process" language in policy documents provides the safeguard and flexibility for collegial self-governance to develop/ Moreover, while the need "to protect the whistleblower" (Hallum and Hadley, *Supra.* at 4.) is genuine and acute, there are other avenues to ensure this. The right to question must not be bartered away for desirable but otherwise obtainable objectives. For a discussion a critical response to the OSI model see, David P. Hamilton, *Can OSI Withstand a Scientific Backlash?*, 253 *SCIENCE* 1084 (1991). As a National Academy of Science panel concluded in its two-year study, "research institutions . . . should strengthen the implementation of misconduct-in-science policies and procedures that incorporate fundamental elements of due process." *RESPONSIBLE SCIENCE*, *Supra.* note 2, at 148.

<sup>3</sup> For good discussions of the complexities of misconduct in science see the following texts: KRISTIN SHRADER-FRECHETTE, *ETHICS OF SCIENTIFIC RESEARCH* (Rowman and Littlefield: Maryland, 1994); MARCEL C. LAFOLLETTE, *STEALING INTO PRINT* (University of California Press: Berkely, CA, 1992); and E. ERWIN, S. GENDIN AND L. KLEIMAN, *ETHICAL ISSUES IN SCIENTIFIC RESEARCH* (Garland Publishing.: NY, 1994).

<sup>4</sup> MTU's attorneys have authored papers that decidedly place them among those most zealously opposed giving employees any "just cause" rights. See generally, ROBERT M. VERCRUYSSE AND ANDREA ROUMELL DICKSON, *UNDERSTANDING THE OBLIGATIONS OF EMPLOYERS SURROUNDING THE HIRING PROCESS*, in *HIRING AND FIRING EMPLOYESS* (ICLE 1995). Not even all lawyers regularly representing employers agree with their strident advocacy on this point. See, JOSEPH J. VOGAN, *EFFECTIVE EMPLOYEE DISMISSAL STRATEGIES & METHODS*, *infra.* at note 7 and related text. Thus, it is not surprising that lawyers who regularly represent university research faculty and staff take a different view of due process and its place in protecting those engaged in scientific research.

<sup>5</sup> This is drawn from the audiotape of MTU Senate meeting 265.

<sup>6</sup> One may be forgiven for wondering why adding a phrase that might give one access to court should make people less careful.

<sup>7</sup> In 1996 the MTU Senate voted 14 to 11 eliminating reference to "due process" in the university's scientific misconduct policy. Later, in 1997, a memorandum was circulated to all university senators containing many of the arguments developed herein. Two years later, the Senate, which now had the benefit of legal arguments on both sides, reinserted due process language but then gutted its scope by limiting it to "due process" . . . As described by the procedures herein. This grudging addition of "due process?" while simultaneously confining the reach solely to the narrow procedures of the formal policy statement implicitly confirms our analysis. Faculty and staff have yet again been duped; they have the appearance of a concession when nothing of substance was ceded. Without an unfettered right to due process, university faculty and staff remain unprotected with no recourse beyond procedures that administrators may abuse with impunity.

<sup>8</sup> Vercurssye and Dickson, *supra* note 1, at 1-1 through 1-37.

<sup>9</sup> Id. at 1-10 to 1-12.}

<sup>10</sup> Vogan, *supra* note 1, at chapter 3

<sup>11</sup> A federal constitutional claim depends on having a property right in continued employment which in turn is generally based upon state law. Only if the employee has a property interest is she entitled to due process under the United States Constitution. See, e.g., *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 538 (1984). Under Michigan state law (which is similar to the rule in many states) there is a presumption that employment is "at-will." *Rowe v. Montgomery Ward & Co.*, 437 Mich. 627, 473 N.W.2d 268 (1991). This means that, subject to narrow exceptions, an employer can dismiss an employee for any reason or even "no reason at all." *Scott v. city of Ann Arbor*, 76 Mich. App. 535, 540, 257 N.W.2d (1977), see also, Vogan, *supra* note 1, at 3-3. In general, unless the employer gives the employee some clear and unequivocal reason to think she has a right to continued employment, *Rowe*, *supra*, or the dismissal violates some public policy, *Trombetta v. Detroit T & I R Co.* 81 Mich. App. 489, 265 N.W.2d 385 (1978) the employer will be able to dismiss for no reason whatsoever. Thus, absent a right to due process given by the employer or state law, a person accused of misconduct will have no right of access to federal or state courts.

<sup>12</sup> *Paul v. Davis*, 424 U.S. 693, 701, reh'g denied, 425 U.S. 985 (1976)(loss of reputation alone does not involve a liberty or property interest and, therefore, is not sufficient to trigger due process protections); see also, Elizabeth Howard, *Science Misconduct and Due Process: A Case of Process Due*, 45 HASTINGS L.J. 309, 340-41 (1994) where she argues: The question remains whether due

process protections are required when sanctions fall short of debarment or termination of employment secured by a just cause provision even if a person found guilty of wrongdoing receives only a simple reprimand, her reputation is damaged. However, as held by the court in *Paul*, loss of reputation alone is not enough to trigger due process protections.

<sup>13</sup> Elizabeth Howard, *supra*, at 341-42.

<sup>14</sup> 28 C. Beth Sise, Comment, *Scientific Misconduct in Academia: A Survey and Analysis of Applicable Law*, 28 San Diego L. Rev. 401, 415 (1991) citing: Mishkin, *Responding to Scientific Misconduct: Due Process and Prevention*, 260 J.A.M.A. 1932, 1934-35 (1988).

<sup>15</sup> See, e.g., Kenneth J. Chesebro, *Galileo's Retort: Peter Huber's Junk Scholarship*, 42 AM. U. L. REV. 1636 (1993).

<sup>16</sup> L.A. Whitt, *Acceptance and the Problem of Slippery-Slope Insensitivity in Rule-Utilitarianism*, 23 DIALOGUE 649 (1984).

<sup>17</sup> Herbert L. Needleman, *Salem Comes to the National Institutes of Health: Notes From Inside the Crucible of Scientific Integrity* 90 PEDIATRICS, 977-81 (December 1992).

<sup>18</sup> Howard, *supra*, note 9 at 310.

<sup>19</sup> Id. at 343.

<sup>20</sup> The authors surveyed a number of university scientific misconduct policies and procedures and constructed a comparative analysis of these documents. The result may be obtained by contacting the authors. A number of policies and procedures can be accessed via the Association of University Technology Manager's Website at <http://www.autm.net/policy/misconduct.html>