

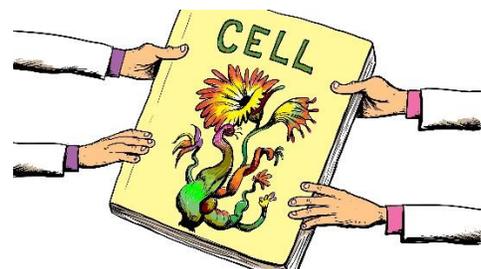
Retracting Research: The Case of Chandok v. Klessig

In 2003, a research team from prominent laboratory the Boyce Thompson Institute (BTI) for Plant Research in Ithaca, New York published an article in the prestigious academic journal *Cell*. It was considered a breakthrough paper in that it answered a major question in the field of plant cell biology. The first author of this paper was postdoctoral researcher Meena Chandok, working under her supervisor Daniel Klessig, president of BTI at the time.

After Chandok left BTI for another job, other researchers in the laboratory were unable to repeat the results published in *Cell*, following exactly the same methods described in the article. Klessig, suspecting possible scientific misconduct, requested Chandok to return to the laboratory to redo her experiments and confirm the authenticity of her results, but she declined. An institutional investigation into the experiment concluded there “was no conclusive evidence that Dr. Chandok achieved the results reported,” but also that there was “no conclusive evidence” of misconduct or that Chandok had fabricated the results. Klessig and the other co-authors retracted the article without Chandok’s agreement. Chandok subsequently sued Klessig for defamation, claiming the retraction had caused significant damage to her career and reputation within the scientific community.

Over several years in court, the case drew attention to a number of issues in scientific research and publishing. John Travis, an editor at *Science* magazine, wrote of the case’s consistency with “the National Institutes of Health’s grant policy that researchers should come forward with concerns about possible misconduct.” John Dahlberg, director of the Office of Research Integrity’s Division of Investigative Oversight, believed the case could encourage anyone with fear of being sued for defamation to come forward. Science writer Eugenie Reich described Klessig as a “whistle-blower,” while philosopher Janet Stemwedel raised questions surrounding the collaborative responsibility of the coauthors and Klessig with regard to quality control for the research. She asked, “If credit is shared, why isn’t blame?”

In 2011, the Court of Appeals for the Second Circuit in New York dismissed the case. It ruled that Klessig’s statements were legally protected because they were “matters as to which the speaker [had] a legal or moral obligation” to notify the journal that his laboratory could not replicate the results they had published and were made between “communicants who [shared] a common interest.” The court found there was no proof of malice toward Chandok and that the investigation and attempts requesting Chandok to replicate her work left the question of scientific misconduct open.



Discussion Questions:

1. The retraction did harm Chandok’s ability to pursue a career in science. Do you think Klessig should have retracted the article published in *Cell* without conclusive evidence that Chandok had fabricated the results? Explain.

2. Do you think Chandok had a moral obligation to return to the laboratory at Klessig's request to replicate her results? Why or why not?
3. If the article had been published in a less prominent journal and the results were of much less significance, do you think this would have altered the decision to retract the publication? Explain.
4. Klessig's decision to retract the article was based only on the inability of his laboratory to replicate Chandok's results, not specifically on the credibility of her character. Do you think Chandok was ethically justified in suing for defamation? Why or why not?
5. There were four authors on the *Cell* paper, including Klessig and Chandok. If another of the authors besides Chandok also opposed the decision to retract the article, should this have changed whether or not Klessig should have gone ahead with the retraction? Why or why not?
6. In collaborative research projects involving multiple authors or researchers, how should responsibility ideally and ethically be shared? How would you approach collaboration in this situation?
7. If Klessig had no reason to doubt Chandok's abilities or honesty, would he have a moral obligation to write letters of recommendation for her explaining that his retraction did not in any way reflect on her potential to do quality research and be a significant asset to whatever laboratory or institute she joined? Why or why not?

Resources:

NIH Grants Policy Statement [see "Research Misconduct" in section 4.1.27, page IIA-40]
<http://grants.nih.gov/grants/policy/nihgps/nihgps.pdf>

Scientist Wins Legal Skirmish After Fulfilling 'Moral Obligation' to Speak Out
<http://www.sciencemag.org/news/2011/01/scientist-wins-legal-skirmish-after-fulfilling-moral-obligation-speak-out>

Chandok v. Klessig (2011)
<http://caselaw.findlaw.com/us-2nd-circuit/1552258.html>

NO-Making Enzyme No More: *Cell*, *PNAS* Papers Retracted
<http://science.sciencemag.org/content/306/5698/960.1.full>

US free-speech law offers protection — at a price
<http://www.nature.com/news/2011/110314/full/471276a.html>

Legal and scientific burdens of proof, and scientific discourse as public controversy: more thoughts on Chandok v. Klessig.

<http://scienceblogs.com/ethicsandscience/2009/09/16/legal-and-scientific-burdens-o/>

Retractions sparks lawsuit

<http://www.the-scientist.com/?articles.view/articleNo/23468/title/Retraction-sparks-lawsuit/>

Court Finds Qualified Immunity for Whistleblower (page 2)

https://ori.hhs.gov/images/ddblock/vol19_no2.pdf

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