
Whistleblowing

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Whistleblowing

- **When and how does a scientist, or a trainee, report observing serious misconduct?**
 - **Types of situations where whistleblowing can occur:**
 - **Scientific misconduct – FFP**
 - **Sexual harassment**
 - **Financial improprieties**
 - **Other illegal or unethical behaviors**
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Whistleblowing: Protections and rewards

- **Federal and State laws protect whistleblowers from retaliation.**
 - **Financial rewards are available if misconduct results in recovery of funds (e.g. False Claims Act allows 15-30% of settlement to informant).**
 - **Personal satisfaction**
 - **Whistleblowers sometimes recognized and honored for their contributions.**
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Whistleblowers v. PhARMA

■ AstraZenica

- \$39M US loss
- \$355M settlement
- \$47M whistleblower reward

■ Schering-Plough

- \$293M US loss
- \$345M settlement
- \$32M whistleblower reward

■ Warner-Lambert

- \$150M US loss
- \$430M settlement
- \$25M whistleblower reward

■ TAP

- \$145M US loss
- \$885M settlement
- \$95M whistleblower reward

DECEMBER 30, 2002 / JANUARY 6, 2003

SPECIAL DOUBLE ISSUE

PERSONS OF THE YEAR

TIME



The Whistleblowers

CYNTHIA COOPER
OF WORLDCOM

COLEEN ROWLEY
OF THE FBI

SHERRON WATKINS
OF ENRON

The risks of whistleblowing

- Many whistleblowers report frustrating and time consuming consequences of the action.
- Occasionally the consequences are severe (loss of job, research support, or having to answer lawsuit).
- Scientific misconduct may require repeating experiments or restarting the project.
 - Good example: scientific misconduct case at U. Wisconsin
 - **Couzin et al. Science 313, 1222 (2006)**
- Emotionally difficult. “Choosing between being a mouse or a rat.”
- Most whistleblowers report they would do it again.

Negative Perceptions of Whistleblowers

- **Most whistleblower complaints are greeted with skepticism.**
 - **Estimates of valid complaints usually in the 10% range.**
 - **Often whistleblowers have other work related problems and job may be in danger.**
 - **Even complaints from disgruntled, angry, poor performing employees can be valid!**
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Principles relating to whistleblowing

- A witness to research misconduct has an obligation to report it.
 - Trainees, as an especially vulnerable group, may not have the same degree of obligation.
 - Distinguish among:
 - Unprofessional behavior or disagreements among colleagues (e.g. authorships) that can best be handled informally or by dispute resolution procedures.
 - Unequivocal research misconduct (FFP)
 - Criminal behavior
 - Once an allegation is made, it cannot be ignored. The institution *MUST* handle it.
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Reporting Misconduct

- Institutional procedures are in place to respond to allegations of misconduct. Information about UC procedures are at <http://ucwhistleblower.ucop.edu/welcome.html>
 - Report misconduct to:
 - Supervisor, who will report it to authorities
 - Directly to Internal Audit, Dean of Graduate Studies, Academic Personnel, Police, Ombudsperson or Human Resources (campus or UCIMC) or others
 - UCOP Hotline 1-800-403-4744
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Reporting an allegation of misconduct:

Things to remember

- **Reports can be anonymous, although this limitation can affect the investigation**
 - **Confidentiality will be maintained to the degree possible**
 - **Reports that include all relevant factual information and documentation facilitate investigation**
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If you are the subject of a whistleblower complaint

- **If the complaint is baseless -- cooperate with the investigation and get the facts out as soon as possible**
 - **Do not retaliate against the accuser**
 - **Do not do anything to appear to retaliate against the accuser**
 - **Do not even think about retaliating against the accuser**
 - **If the complaint has substance – hire a lawyer**
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