

Helene Z. Hill, Ph.D.
Professor of Radiology

Wednesday, August 14, 2013

Robert L. Johnson, MD, FAAP
The Sharon and Joseph L. Muscarelle Endowed Dean
Rutgers NJ Medical School

Dear Dean Johnson,

This is in response to your letter dated July 19, received by me on July 25. Pursuant to Article IV of the AAUP Agreement, I ask that this response be attached to and retained with your letter in my Permanent Personnel File. I respectfully disagree that my conduct has been unbecoming a member of the faculty of this university. My intent is not to be disruptive and harassing but to fulfill my obligation as a faculty member with a right to voice my academic views on the theories of other scientists. My goal is to protect the medical school and university.

You appear to threaten that my continuing to raise my academic views of research in my field will subject me to additional disciplinary action, up to and including termination. Please let me point out that Regulation 5(a) of the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure* provides that "adequate cause for a dismissal will be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers and researchers. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens." **"The burden of proof that adequate cause exists rests with the institution and will be satisfied only by clear and convincing evidence in the record considered as a whole."** *Id.* At 5(c)(8).

The AAUP's 1994 *Statement on the Relationship of Faculty Governance to Academic Freedom* directly addresses the issue of academic freedom in research and criticism: "The academic freedom of faculty members includes...the freedom to express their views on academic matters ... in the conduct of research, ... on issues of public interest generally, and to do so even if their views are in conflict with one or another received wisdom... **good research requires permitting the expression of contrary views in order that the evidence for and against a hypothesis can be weighed responsibly.** In the case ... of issues of public interest generally, the faculty member must be free to exercise the rights accorded to all citizens.

"Protecting academic freedom on campus requires ensuring that a particular instance of faculty speech will be subject to discipline only where that speech violates some central principle of academic morality, as, for example, where it is found to be fraudulent (academic freedom does not protect plagiarism and deceit)". At pp. 141-143 (emphasis added).

The AAUP's *Statement on Professional Ethics* (revised in 2009), states that "Professors ... respect and defend the free inquiry of associates, **even when it leads to findings and**

conclusions that differ from their own. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues”.

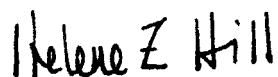
Regarding the bodies you mention in your footnote: the first and second Campus Committees on Research Integrity did not have access to nor review the data we analyze in the *Micron* letter, data which fails multiple statistical tests of legitimacy. With respect to the third committee, in the recording of my meeting on January 7, 2011 with Drs Pranela Rameshwar and Vivian Bellofatto, Dr Rameshwar states “...there is a big discrepancy. In summary, we believe this warrants further investigation”. This did not, however, occur and, for that matter, I never received an official final report from that committee so I must assume that an investigation according to the guidelines was never undertaken. The ORI refused to consider the new information that I sent them, saying incorrectly, that they had already dealt with the material.

I point out that the False Claims Act requires that the respondent knowingly defrauded the government and that Judge Cavanaugh drew the line at October, 1999 when the grant was submitted, thereby bypassing any possibility of “knowing” after that date. He does not understand that for scientists “Replication—The confirmation of results and conclusions from one study obtained independently in another—is considered the scientific gold standard” (Jasny, B.R. *et al. Science* 334:1225, 2011). Judge Cavanaugh is clearly not a scientist: “the fact that results [of tritiated thymidine experiments] could not be replicated is proof only that the results could not be replicated”. He goes on to say “the statistical analysis done by Plaintiff’s expert, Dr. Joel Pitt, was done subsequent to the ORI investigation, and therefore could not have contributed to Defendant Howell’s knowledge as of October, 1999”. True enough, but all the more important that it should be considered now. The appeals court affirmed Cavanaugh’s decision. However, in initiating the oral arguments on September 13, 2011, Judge Dolores Sloviter said “We are just judges... I never had a science course in my life”. Unfortunately, such ignorance does not preclude the judiciary from venturing into the scientific arena.

As regards the journals that you mention in your letter, our submissions never made it beyond the editorial office (no scientific review) in all but the *Annals of Applied Statistics*, which decided that the paper would not be of interest to its readers. There are many other statistical journals out there and it is an appropriate academic activity for me to continue to seek publication of my work with Dr. Pitt.

I seek to make the system fair for all concerned and I seek to participate in academic discussion of research in my field without threat to my position. I hope that the information above will allow you to reconsider and revise the views stated in your letter.

Sincerely yours,

A handwritten signature in black ink that reads "Helene Z Hill". The signature is written in a cursive, slightly slanted style.

Helene Z Hill, PhD