

# CONFIDENTIAL

Minutes of the Newark Initial Inquiry Committee  
Meeting of May 9, 2001, 10:00 a.m.-12 noon

**PRESENT:** Dr. Neil Cherniack, Dr. Daniel Fine, Dr. Anthony Forrester, Ms. Teresa Marsico and Dr. Elizabeth Raveché (Chair), Ms. Julie Kligerman, Office of Legal Management, and Office of Academic Affairs confidential staff, Dr. Karen Putterman (by phone) and Dr. Sheila Eder, Office of Institutional Research.

Dr. Raveché presided.

Dr. Raveché asked the Committee if anyone wished to call additional witnesses or to recall any witness who had already appeared before the Committee. She polled each member of the Committee; all were in agreement that they did not see the need to do so.

Dr. Raveché then indicated that the Committee had to decide whether it found credible evidence of misconduct in science sufficient to warrant further investigation and therefore would recommend to the Senior Vice President for Academic Affairs that an investigation be initiated. The Committee also needs to decide whether to recommend remedial action be taken by Dr. Howell within his lab to address the problems of scientific oversight and interpersonal relationships.

The Committee reviewed the evidence and the interviews and unanimously voted that there was insufficient credible evidence of misconduct in science to warrant further investigation. This conclusion was based upon the following considerations:

- The major physical evidence in this case is the photographs taken by Drs. Hill and Lenarczyk. These photographs could not be dated definitively and could not be related definitively to the experiment that Dr. Bishayee said he performed from March 26-30, 2001. Therefore the Committee was unconvinced that the photographs credibly proved that the experiment Dr. Bishayee actually carried out was different from that recorded in his lab book.
- The evidence that Dr. Bishayee's March 26-30, 2001 experimental materials were contaminated from the inception of the experiment was insufficiently credible to support the complainant's contention that Dr. Bishayee could not have obtained the data he recorded from the experiment he actually carried out.

- The testimony of the complainant, Dr. Hill, conflicted with that of Dr. Lenarczyk as to dates, results of their observations of Dr. Bishayee's test tubes, and what they did with Dr. Bishayee's experimental materials in their attempt to collect evidence of misconduct in the March 26-30, 2001 experiment.
- Dr. Hill and Dr. Lenarczyk admitted to tampering with Dr. Bishayee's March 26-30, 2001 experiment, possibly before it was completed.
- With regard to Dr. Hill's allegation of falsification/fabrication by Dr. Bishayee in the September/October 1999 experiment under the "Banbury protocol," the Committee found insufficient evidence to substantiate this allegation from its examination of Dr. Bishayee's notebooks (attachment 21 to the April 27, 2001 Committee meeting), from Dr. Hill's testimony about her observations of plates she found in the incubator, and from her statements following her review of Banbury Report No. 28 (attachment 3 to April 17, 2001 Committee meeting).
- Although the Committee discussed possible motivations for Dr. Bishayee's alleged actions, it could discern no reason for Dr. Bishayee's falsification or fabrication of the data for the experiments of March 26-30, 2001 or of September/October 1999.

For the reasons stated above, the Committee found that there was insufficient evidence to reconcile the purported date of the photographs and what Dr. Hill believes they demonstrate about Dr. Bishayee's experiment of March 2001 with the testimony of Dr. Bishayee that he conducted the experiment as recorded in his lab book and obtained the results as recorded therein.

The Committee also voted unanimously to recommend that Dr. Howell take corrective actions to improve the conduct of research and the environment in his lab.

Dr. Raveché will prepare a report and transmittal memo to Dr. Saporito.

The meeting was adjourned.