

From: Steve Levison [steve.levison@umdnj.edu]
Sent: Saturday, July 24, 2010 5:03 PM
To: millermw@windstream.net
Cc: Thomas Nold; Debra Gysin
Subject: Re: Dev Neurosci 31:50-57

Dr. Miller,

I've reviewed the data in the manuscript that you published in 2009 and have reviewed the PDF that you provided with your email. Based on my evaluation, the corrected figure that you've provided does not significantly change the results of the study, the interpretation of the data or the conclusions of your study, thus, I disagree with the conclusions of your University that the proper course of action is to retract your paper.

Furthermore, I have conferred with the publisher, and we are in agreement that this is a case for an erratum not a retraction. To publish an erratum, we would use a new figure that you would provide with text explaining the nature of the error and the corrected data provided. Karger, the publishing house, would then publish this new figure and text in the next available issue and of course this figure would be published digitally. This erratum would appear in Medline/Pubmed.

As the publisher explained to me, they are not in favor of retracting the article, because an article that is published is published; it's out there in the world, and in this instance, for more than a year. Retracting an online article is conceivable, but neither they nor I have any idea how to retract an article that's been printed. Should they dispatch someone to travel around the globe, storm libraries and scientist's offices to tear out the pages from the published issue? I think not.

Removing an article from Medline/PubMed is quite a complex administrative procedure that we feel is not warranted in this case. Your manuscript might also be in several other databanks that we don't even not know about or don't have access to.

Accordingly, it is our recommendation that you revise the materials you provided so that we may publish an erratum. In the revised figure that you provided there were no asterisks to indicate which differences were statistically significant, whereas the figure this replaced had asterisks. I would request that you modify the new figure so that a reader will easily know which comparisons are statistically different.

Sincerely,

Steve Levison, PhD
Editor in Chief, Developmental Neuroscience
Professor of Neuroscience
Director, Laboratory for Regenerative Neurobiology
Department of Neurology and Neuroscience
Newark, NJ 07103
PH (973) 972-5162
FAX: 973 972-2668
e: steve.levison@umdnj.edu
w: www.karger.com/dne

Winthrop Thurlow - Re: Michael Miller, PhD

From: Steve Levison <steve.levison@umdnj.edu>
To: Winthrop Thurlow <ThurlowW@upstate.edu>
Date: 8/30/2010 2:01 PM
Subject: Re: Michael Miller, PhD

That works.

Steve Levison, PhD
Editor in Chief, Developmental Neuroscience
Professor of Neuroscience
Director, Laboratory for Regenerative Neurobiology
Department of Neurology and Neuroscience
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PH (973) 972-5162
FAX: 973 972-2668
e: steve.levison@umdnj.edu
w: www.karger.com/dne

On Aug 30, 2010, at 1:19 PM, Winthrop Thurlow wrote:

How about tomorrow at 10? I'll call you.

-----Original Message-----

From: Steve Levison <steve.levison@umdnj.edu>
To: Winthrop Thurlow <ThurlowW@upstate.edu>

Sent: 8/30/2010 1:01:03 PM
Subject: Re: Michael Miller, PhD

Winthrop,

I read over the ICMJE report per your suggestion and would be happy to discuss this situation at your convenience.

May we set up a time to chat?

Steve Levison, PhD
Professor of Neuroscience
Director, Laboratory for Regenerative Neurobiology
Department of Neurology and Neurosciences
NJMS UH Cancer Center
Office H-1226
205 South Orange Ave
Newark, NJ
07103
PH (973) 972-5162
Fax (973) 972-2668
Email: steve.levison@umdnj.edu
<http://njmsuhcc.umdnj.edu/home/index.php/Levison-Lab.html>

*****E-Mail Confidentiality Notice*****

This message (including any attachments) contains information intended for a specific individual(s) and purpose that may be privileged, confidential or otherwise protected from disclosure pursuant to applicable law. Any inappropriate use, distribution or copying of the message is strictly prohibited and may subject you to criminal or civil penalty. If you have received this transmission in error, please reply to the sender indicating this error and delete the transmission from your system immediately.

On Aug 6, 2010, at 3:20 PM, Winthrop Thurlow wrote:

Dr. Levison:

I am counsel to SUNY Upstate Medical University. I called you earlier today, but have not heard from you. Consequently, I take the liberty of sending you this email.

Your email to Michael Miller of July 24, 2010 (5:03 PM) was forwarded to me by Dr. Miller's attorney. I have not seen any letters or emails from Dr. Miller to you, but your email appears to be in response to one from him. I've asked his lawyer to provide me with copies of correspondence in this matter.

I would like to discuss with you your letter. In the meantime, I refer your attention to the International Committee of Medical Journal Editors' Uniform Requirements for Manuscripts Submitted to Biomedical Journals: Writing and Editing for Biomedical Publication. specifically, Section III.B.

I can best be reached at (315) 464-4700. Thank you.

Winthrop H. Thurlow, Esq.

Office of University Counsel

Madison Towers, Suite 106

60 Presidential Plaza

Syracuse, NY 13202

(315) 464-4700 (telephone)

(315) 464-4706 (facsimile)

thurloww@upstate.edu

PRIVILEGED AND CONFIDENTIAL

ATTORNEY-CLIENT COMMUNICATION

ATTORNEY WORK PRODUCT

Winthrop Thurlow - Fwd: Re: Letter to Dr. Levison

From: Huaiyu Hu
To: Barry Knox; David Amberg; Nussmeier, Nancy; Steven Goodman; Thurlow,...
Date: 11/4/2011 2:47 PM
Subject: Fwd: Re: Letter to Dr. Levison

Hi, All,

I just got this message from the editor. It looks like the editor will do the right thing (finally). I will forward his future e-mails to you as soon as I receive them.

Huaiyu

>>> Steve Levison <levisow@umdnj.edu> 11/4/2011 2:15 PM >>>
Thank you for your answers to my inquiry.

I am working with the publisher to finalize the wording of the retraction letter and will provide you with a copy of that letter prior to publishing it.
That letter will state that Dr. Miller was found guilty of scientific misconduct by the SUNY upstate investigative committee and that they did not find you guilty.

Steve Levison, PhD
Editor in Chief, Developmental Neuroscience
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Director, Laboratory for Regenerative Neurobiology
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e: steve.levison@umdnj.edu
w: www.karger.com/dne

On Nov 2, 2011, at 3:26 PM, Huaiyu Hu wrote:

Dear Dr. Levison,

In your letter of retraction to be published in the journal, it is imperative to include the following facts: (1) Dr. Miller was found guilty of scientific misconduct by the Upstate Medical University investigation and oversight committees; (2) I am not involved in any scientific misconduct as clearly stated in Dr. Miller's retraction letter dated September 25, 2010.

I wish to approve the notice of retraction that will be published by the journal.

I look forward to formal retraction of this article to correct the scientific record with a retraction notice that clearly identify seriously flaws of the paper and the person solely responsible for these flaws.

The following is the list of your questions and my answers:

Were you involved in:

1. Conception and experimental design

Yes.

2. Collection of data (and if so, for which figures)

No

3. Data analysis

No

4. Assembly of figures

No

5. Manuscript writing

No

6. Final approval of manuscript

No

Huaiyu Hu

>>> Steve Levison <levisosw@umdnj.edu> 11/1/2011 3:46 PM >>>

Dr. Hu,

Thank you for your email and for detailing our correspondence.

I will be writing a letter of retraction to be published in the journal and am trying to determine the final wording of that retraction letter.

I would ask you for one more point of clarification regarding this manuscript.

1. As you likely know some journals request that with each article submission that the authors indicate their contributions to the published work.

Developmental Neuroscience presently does not require authors to submit this information.

I have tried to assess your contributions to the Miller and Hu 2009 article, but have been unable to do so from the documents provided by the investigative committee.

Accordingly, would you kindly provide me with a brief description of your contributions to the work?

For instance, were you involved in:

1. Conception and experimental design

2. Collection of data (and if so, for which figures)

3. Data analysis

4. Assembly of figures

5. Manuscript writing

6. Final approval of manuscript

I will not require long or detailed answers to the above aspects of the work and so look forward to receiving a reply to this email by the end of the working day Friday, Nov. 4th, 2011.

Thank you for your cooperation,

Steve Levison, PhD
Editor in Chief, Developmental Neuroscience
Professor of Neuroscience
Director, Laboratory for Regenerative Neurobiology
Department of Neurology and Neuroscience
Newark, NJ 07103

PH (973) 972-5162
 FAX: 973 972-2668
 e: steve.levison@umdnj.edu
 w: www.karger.com/dnc

On Nov 1, 2011, at 3:09 PM, Huaiyu Hu wrote:

Dear Dr. Levison,

Concerning your email note dated October 26, 2011, both revised letters of retraction drafted by Miller contained the language unintentional errors as the cause of retraction. This statement contradicts the university committee findings and thus the letters are unacceptable. As you are aware, Dr. Miller was unwilling to co-sign the retraction letter I provided to him recently, which was the same letter that he signed and sent to you on September 25, 2010. The letter signed September 25 should have served the purpose to cause retraction.

It appears unlikely that there will be a co-signed letter of retraction. Therefore, I have included my second formal request to retract the paper (dated November 1, 2011). When you write the retraction notice, it is imperative to include the fact that I was not involved in any scientific misconduct that resulted in the necessity of the retraction of this article.

For the record, the following dates describe my involvement in the retraction since you first contacted me on June 18, 2011 about Dr. Michael Millers retraction letter dated September 25, 2010.

Date	Event
June 18-22, 2011	<p><i>Email communication between Dr. Levison (Editor, Developmental Neuroscience). Dr. Levison informed me of a letter of retraction for the Miller/Hu paper that he had received from Dr. Miller (a letter dated September 25, 2010 and signed by Dr. Miller was attached). I had not seen this letter prior to Dr. Levisons emails. Dr. Michael Millers retraction letter reads:</i></p> <p>Please retract the paper co-authored by Huaiyu Hu and me (Developmental Neuroscience (2009)31:50-57). This request is based on Universitys findings of scientific misconduct. Dr. Hu was not involved in any misconduct.</p> <p>Sincerely, Michael Miller (signature)</p>
June 23, 2011	<p>Agreed in writing to retraction by sending Dr. Levison a letter dated June 23, 2011. The letter reads:</p> <p>Dear Dr. Levison,</p> <p>Thank you for sending me the letter requesting retraction by Dr. Michael Miller of the paper entitled Lability of neuronal lineage decisions is revealed by acute exposures to ethanol published in Developmental Neuroscience.</p> <p>I noted that Dr. Michael Millers letter was dated September 25, 2010. Is this date accurate? I am surprised that I was</p>

not contacted earlier regarding this request. I, of course, am very aware of the issues surrounding our paper, specifically, that an investigation by an Upstate Medical University committee has concluded that there was scientific misconduct by Dr. Michael Miller in data presented in the paper. I agree with the University findings and feel that the paper should be retracted.

Regarding the notice of retraction of the paper, I support the publication of the retraction letter that Dr. Miller sent as is. I wish to approve the notice of retraction that will be published by the journal.

Huaiyu Hu (signature)

- June 26, 2011 E-mail from Levison acknowledging his receipt of my endorsement of retraction of the paper.
- July 1, 2011 Received an e-mail from Esther Bernhard (Production Editor, S. Karger AG - Medical and Scientific Publishers) with an attached proof for print of the Michael Miller retraction letter dated September 25, 2010. I e-mailed backed telling her Ok to print.
- Oct 18, 2011 E-mail request from Dr. Levison for a joint letter of retraction co-signed by Dr. Michael Miller and me. E-mailed response reminding him that I already agreed to the retraction letter (dated September 25, 2010) in June 23, 2011. Dr. Levison emailed back still requesting a co-signed letter of retraction.
- Oct 20-21, 2011 In an effort to move the retraction forward as quickly as possible. I e-mailed to Dr. Levison with retraction letter that is identical to Dr. Michael Millers retraction letter (dated September 25, 2010) with lines for both Dr. Michael Miller and me to sign (I signed the copy) as below:
Dear Dr. Levison:
Please retract the paper co-authored by Michael Miller and Huaiyu Hu (Developmental Neuroscience (2009)31:50-57). This request is based on Universitys findings of scientific misconduct. Dr. Hu was not involved in any misconduct.
Sincerely,
Michael W. Miller Huaiyu Hu
This letter was also sent to Dr. Michael Miller by Dr. Barry Knox, CCed to Dr. Levison to make sure that Dr. Miller receives the letter as I do not know Dr. Millers e-mail address.
- Oct 23, 2011 Dr. Levisons e-mail acknowledging receipt of the retraction letter I sent to him on October 21, 2011.
- Oct 24, 2011 Dr. Michael Miller sent to me an email saying that the letter (sent to him on October 20-21, 2011) was unacceptable. Instead he stated that he was willing to sign his draft letter below:
Please retract the paper co-authored by Michael Miller and Huaiyu Hu (Developmental Neuroscience (2009)31:50-57). We regret that this paper included unintentional errors in

reporting sample sizes and mathematical calculations that affected the statistical analyses.

Dr. Michael Millers draft letter is unacceptable because it contradicts University committee findings. I emailed Dr. Michael Miller immediately and sent to him the retraction letter that was sent to him October 20-21 for his co-signature and his retraction letter dated September 25, 2010. I reminded him that the two letters were identical.

Oct 24, 2011 E-mail correspondence with Dr. Levison. Dr. Levison requested the retraction letter to be addressed to Steven W. Levison, Ph. D. instead of Steve R. Levison, Ph. D. I responded on the same day with Dr. Levisons middle initial corrected in the same retraction letter I sent to him on October 21, 2011 (which is identical to Dr. Michael Miller September 25, 2010 retraction letter).

Oct 26, 2011 E-mail from Dr. Michael Miller with a modified version of his draft retraction letter. It reads:
Please retract the paper co-authored by Michael Miller and Huaiyu Hu (Developmental Neuroscience (2009)31:50-57. We regret that this paper included unintentional errors in reporting sample sizes and mathematical calculations that affected the statistical analyses and these errors were the responsibility of Michael Miller.

This modified letter is again unacceptable because it contradicts university committee findings.

Oct 26, 2011 E-mail from Dr. Levison addressed to me and CCed to Dr. Michael Miller. It reads:
Dr. Miller has indicated that you have been unwilling to sign either of the revised letters of retraction that he has provided. Given your past communications I am puzzled by your hesitation, as this new letter would achieve the purpose of retracting an article that is severely flawed, thus setting the publication straight.

Perhaps you are under the impression that I wouldn't accept such a revised letter. Accordingly, I am writing to assure you that I would accept a revised letter and thus urge you to work with Dr. Miller to negotiate a retraction letter that is acceptable to both of you.

Should the two of you be unable to come to an agreement on a jointly signed letter to set the publication record straight, I will, as Editor-in-Chief independently draft a short communication that will be published in the Journal in which we will proceed to describe the circumstances under which this article is being retracted. I am under no obligation to show this letter to either of you prior to submitting it to publication.

I would prefer that you as authors, having agreed to retract the article, will also agree on the letter to be published for this retraction. Per my earlier communication, we would like to close this case as soon as possible, so again request that you provide us with a jointly signed letter of retraction

- by November 1st, 2011.
- Oct 27, 2011 E-mail correspondence with Dr. Michael Miller. In an effort to settle the retraction, I sent Dr. Michael Miller a draft letter of retraction based on his template. It reads: Please retract the paper co-authored by Michael Miller and Huaiyu Hu (*Developmental Neuroscience* (2009)31:50-57). We regret that this paper has flaws in reporting sample sizes and statistical analysis that affected the papers conclusions and these were the sole responsibility of Michael Miller. Dr. Michael Miller emailed back insisting on including the words unintentional errors in the text. This again is unacceptable as it contradicts the university committee findings. I emailed him back that his modifications were unacceptable.
- Oct 28, 2011 E-mail correspondence with Dr. Michael Miller. Dr. Michael Miller emailed me again refusing to remove the word unintentional. I emailed Dr. Michael Miller telling him that any letter that contradicts University findings is not acceptable.
- Oct 28, 2011 E-mail to Dr. Levison. In response to second paragraph of Dr. Levisons e-mail on Oct 26, 2011 with the following message:
Once again, I ASK that the Miller/Hu paper should be retracted immediately because of serious flaws that affected the conclusions of the paper. As you are aware, these flaws were identified by the university investigation AND AN OVERSIGHT COMMITTEE OF Dr. Miller. I want your assurance that any notice of retraction will acknowledge that I was not at fault for these flaws.
- Oct 31, 2011 E-mail to Dr. Michael Miller. The following e-mail was sent to Dr. Michael Miller:
"In an effort to settle this retraction, I have drafted the following retraction letter. It includes your desire to include the word "unintentional" and to delete the phrase "that affected the paper's conclusions".
Please retract the paper co-authored by Michael Miller and Huaiyu Hu (*Developmental Neuroscience* (2009)31:50-57). We regret that this paper has flaws in reporting sample sizes and statistical analyses. These flaws were the sole responsibility of Michael Miller, first and corresponding author, who maintains they were unintentional. Huaiyu Hu, second author, concurs with the findings of the Upstate Medical University Investigation and Oversight Committee that the nature of these flaws constituted scientific misconduct."
- Nov 1, 2011 Till 3:00 pm on November 1, 2011, no response from Dr. Michael Miller on my proposed letters of retraction.
As you can see, the reason that Dr. Miller and I could not reach an agreement is that he insisted on including the word unintentional in his version, which directly contradicts the findings of scientific misconduct by Upstates Investigation and Oversight Committees. His version is also

likely to contradict the findings of the Office of Research Integrity, which will eventually appear in the public domain. If I agreed to co-sign Dr. Miller's version of the retraction, I feel I would be complicit in a cover-up. This sort of activity could easily find its way to the public domain, for example, Retraction Watch, and I do not wish to be a part of it.

Sincerely,
Huaiyu Hu

>>> Steve Levison <levisosw@umdnj.edu> 10/26/2011 9:19 PM >>>
Dr. Hu

Dr. Miller has indicated that you have been unwilling to sign either of the revised letters of retraction that he has provided. Given your past communications I am puzzled by your hesitation, as this new letter would achieve the purpose of retracting an article that is severely flawed, thus setting the publication straight.

Perhaps you are under the impression that I wouldn't accept such a revised letter. Accordingly, I am writing to assure you that I would accept a revised letter and thus urge you to work with Dr. Miller to negotiate a retraction letter that is acceptable to both of you.

Should the two of you be unable to come to an agreement on a jointly signed letter to set the publication record straight, I will, as Editor-in-Chief independently draft a short communication that will be published in the Journal in which we will proceed to describe the circumstances under which this article is being retracted. I am under no obligation to show this letter to either of you prior to submitting it to publication.

I would prefer that you as authors, having agreed to retract the article, will also agree on the letter to be published for this retraction. Per my earlier communication, we would like to close this case as soon as possible, so again request that you provide us with a jointly signed letter of retraction by November 1st, 2011.

Sincerely,

Steve Levison, PhD
Editor in Chief, Developmental Neuroscience
Professor of Neuroscience
Director, Laboratory for Regenerative Neurobiology
Department of Neurology and Neuroscience
Newark, NJ 07103
PH (973) 972-5162
FAX: 973 972-2668
e: steve.levison@umdnj.edu
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<Retraction letter-November 1, 2011.pdf>

Winthrop Thurlow - Re: Letter to Dr. Levison

From: Steven Goodman <goodmans@upstate.edu>
To: HuH@upstate.edu
Date: 11/2/2011 5:45 PM
Subject: Re: Letter to Dr. Levison
CC: AmbergD@upstate.edu, ThurlowW@upstate.edu, NussmeiN@upstate.edu

Huaiyu,

As I have mentioned previously, I will make sure that we receive the retraction notice in advance and will share it with you all.

Steve

Sent from my iPad

On Nov 2, 2011, at 3:47 PM, "Huaiyu Hu" <HuH@upstate.edu> wrote:

All,

The negotiation with Michael Miller on a co-signed retraction letter failed because Michael Miller insisted on using the words "unintentional errors" as the cause of retraction which contradict our university committee findings. After discussion with Win, I sent the editor a letter detailing why there is no co-signed letter and also sent him a second formal retraction letter from me. Please see forwarded e-mails of communication between me and the editor.

The editor indicated he will draft a retraction notice. I hope he will send you a draft notice in a timely fashion and when he does please let me take a look.

Thanks,

Huaiyu

>>> Huaiyu Hu 11/2/2011 3:26 PM >>>

Dear Dr. Levison,

In your letter of retraction to be published in the journal, it is imperative to include the following facts: (1) Dr. Miller was found guilty of scientific misconduct by the Upstate Medical University investigation and oversight committees; (2) I am not involved in any scientific misconduct as clearly stated in Dr. Miller's retraction letter dated September 25, 2010.

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The following is the list of your questions and my answers:

Were you involved in:

1. Conception and experimental design

Yes.

2. Collection of data (and if so, for which figures)

No

3. Data analysis

No

4. Assembly of figures

No

5. Manuscript writing

No

6. Final approval of manuscript

No

Huaiyu Hu

>>> Steve Levison <levisosw@umdnj.edu> 11/1/2011 3:46 PM >>>

Dr. Hu,

Thank you for your email and for detailing our correspondence.

I will be writing a letter of retraction to be published in the journal and am trying to determine the final wording of that retraction letter.

I would ask you for one more point of clarification regarding this manuscript.

1. As you likely know some journals request that with each article submission that the authors indicate their contributions to the published work. Developmental Neuroscience presently does not require authors to submit this information.

I have tried to assess your contributions to the Miller and Hu 2009 article, but have been unable to do so from the documents provided by the investigative committee.

Accordingly, would you kindly provide me with a brief description of your contributions to the work?

For instance, were you involved in:

1. Conception and experimental design

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I will not require long or detailed answers to the above aspects of the work and so look forward to receiving a reply to this email by the end of the working day Friday, Nov. 4th, 2011.

Thank you for your cooperation,

Steve Levison, PhD

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 Professor of Neuroscience
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On Nov 1, 2011, at 3:09 PM, Huaiyu Hu wrote:

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Huaiyu Hu (signature)

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Sincerely,
Michael W. Miller Huaiyu Hu
This letter was also sent to Dr. Michael Miller by Dr. Barry Knox, CCed to Dr. Levison to make sure that Dr. Miller receives the letter as I do not know Dr. Millers e-mail address.
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Dr. Michael Miller's draft letter is unacceptable because it contradicts University committee findings. I emailed Dr. Michael Miller immediately and sent to him the retraction letter that was sent to him October 20-21 for his co-signature and his retraction letter dated September 25, 2010. I reminded him that the two letters were identical.

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- November 1st, 2011.
- Oct 27, 2011 E-mail correspondence with Dr. Michael Miller. In an effort to settle the retraction, I sent Dr. Michael Miller a draft letter of retraction based on his template. It reads:
Please retract the paper co-authored by Michael Miller and Huaiyu Hu (Developmental Neuroscience (2009)31:50-57). We regret that this paper has flaws in reporting sample sizes and statistical analysis that affected the papers conclusions and these were the sole responsibility of Michael Miller.
Dr. Michael Miller emailed back insisting on including the words unintentional errors in the text. This again is unacceptable as it contradicts the university committee findings. I emailed him back that his modifications were unacceptable.
- Oct 28, 2011 E-mail correspondence with Dr. Michael Miller. Dr. Michael Miller emailed me again refusing to remove the word unintentional. I emailed Dr. Michael Miller telling him that any letter that contradicts University findings is not acceptable.
- Oct 28, 2011 E-mail to Dr. Levison. In response to second paragraph of Dr. Levisons e-mail on Oct 26, 2011 with the following message:
Once again, I ASK that the Miller/Hu paper should be retracted immediately because of serious flaws that affected the conclusions of the paper. As you are aware, these flaws were identified by the university investigation AND AN OVERSIGHT COMMITTEE OF Dr. Miller. I want your assurance that any notice of retraction will acknowledge that I was not at fault for these flaws.
- Oct 31, 2011 E-mail to Dr. Michael Miller. The following e-mail was sent to Dr. Michael Miller:
"In an effort to settle this retraction, I have drafted the following retraction letter. It includes your desire to include the word "unintentional" and to delete the phrase "that affected the paper's conclusions".
Please retract the paper co-authored by Michael Miller and Huaiyu Hu (Developmental Neuroscience (2009)31:50-57). We regret that this paper has flaws in reporting sample sizes and statistical analyses. These flaws were the sole responsibility of Michael Miller, first and corresponding author, who maintains they were unintentional. Huaiyu Hu, second author, concurs with the findings of the Upstate Medical University Investigation and Oversight Committee that the nature of these flaws constituted scientific misconduct."
- Nov 1, 2011 Till 3:00 pm on November 1, 2011, no response from Dr. Michael Miller on my proposed letters of retraction.
As you can see, the reason that Dr. Miller and I could not reach an agreement is that he insisted on including the word unintentional in his version, which directly contradicts the findings of scientific misconduct by Upstates Investigation and Oversight Committees. His version is also likely to contradict the findings of the Office of Research Integrity, which will eventually appear in the public domain. If I agreed to co-sign Dr. Millers

version of the retraction, I feel I would be complicit in a cover-up. This sort of activity could easily find its way to the public domain, for example, Retraction Watch, and I do not wish to be a part of it.

Sincerely,
Huaiyu Hu

>>> Steve Levison <levisosw@umdnj.edu> 10/26/2011 9:19 PM >>>

Dr. Hu

Dr. Miller has indicated that you have been unwilling to sign either of the revised letters of retraction that he has provided. Given your past communications I am puzzled by your hesitation, as this new letter would achieve the purpose of retracting an article that is severely flawed, thus setting the publication straight.

Perhaps you are under the impression that I wouldn't accept such a revised letter. Accordingly, I am writing to assure you that I would accept a revised letter and thus urge you to work with Dr. Miller to negotiate a retraction letter that is acceptable to both of you.

Should the two of you be unable to come to an agreement on a jointly signed letter to set the publication record straight, I will, as Editor-in-Chief independently draft a short communication that will be published in the Journal in which we will proceed to describe the circumstances under which this article is being retracted. I am under no obligation to show this letter to either of you prior to submitting it to publication.

I would prefer that you as authors, having agreed to retract the article, will also agree on the letter to be published for this retraction. Per my earlier communication, we would like to close this case as soon as possible, so again request that you provide us with a jointly signed letter of retraction by November 1st, 2011.

Sincerely,

Steve Levison, PhD
Editor in Chief, Developmental Neuroscience
Professor of Neuroscience
Director, Laboratory for Regenerative Neurobiology
Department of Neurology and Neuroscience
Newark, NJ 07103
PH (973) 972-5162
FAX: 973 972-2668
e: steve.levison@umdnj.edu
w: www.karger.com/dne

<Retraction letter-November 1, 2011.pdf>

Winthrop Thurlow - Re: Retraction of Miller and Hu 2009

From: Steven Goodman
To: Levison, Steve
Date: 12/21/2011 9:30 AM
Subject: Re: Retraction of Miller and Hu 2009
CC: Thomas, Nold

Dear Dr. Levison,

Thank you for your quick reply. I will look forward to receiving the retraction statement just after the new year.

Steve

Steven Goodman, Ph.D.
Vice President for Research
Dean, College of Graduate Studies
SUNY Upstate Medical University
Room 1120 Weiskotten Hall
750 East Adams Street
Syracuse, NY 13210
(315) 464-4515 >>> Steve Levison <levisosw@umdnj.edu> 12/20/2011 3:59 PM >>>
Dr. Goodman,

There was a delay at the publishing house in generating the retraction statement, that has now been corrected. I learned this morning that the proof of the retraction statement should be available just after the new year when it will be sent to me for approval, whereupon I will send it along as promised. Should you wish to corroborate the veracity of this email, please contact Mr. Thomas Nold, the publisher's representative in this matter, whom I have copied on this email.

Sincerely,

Steve Levison, PhD
Editor in Chief, Developmental Neuroscience
Professor of Neuroscience
Director, Laboratory for Regenerative Neurobiology
Department of Neurology and Neuroscience
Newark, NJ 07103
PH (973) 972-5162
FAX: 973 972-2668
e: steve.levison@umdnj.edu
w: www.karger.com/dne

On Dec 20, 2011, at 3:19 PM, Steven Goodman wrote:

Dear Dr. Levison,

A little over a month ago you indicated that you and the publisher had agreed on a retraction statement on the Miller and Hu article which at the time was being typeset. You indicated that a proof of the typeset retraction would be sent to me and the President of SUNY Upstate Medical

University, Dr. David Smith. Thus far I have not received this proof copy and am growing increasingly concerned. Please update me on the status of this Notice of Retraction by the end of this work week.

Thank you,
Steve Goodman

Steven Goodman, Ph.D.
Vice President for Research
Dean, College of Graduate Studies
SUNY Upstate Medical University
Room 1120 Weiskotten Hall
750 East Adams Street
Syracuse, NY 13210

(315) 464-4515 >>> Steve Levison <levisosw@umdnj.edu> 11/17/2011 11:48 AM >>>

Dr. Goodman,

The publisher and I have agreed on a retraction statement that we have prepared and which is presently being type-set.

We will send you the proof of the typeset retraction to you, the President of SUNY Upstate and to the authors upon it's completion and prior to publication.

Steve Levison, PhD
Editor in Chief, Developmental Neuroscience
Professor of Neuroscience
Director, Laboratory for Regenerative Neurobiology
Department of Neurology and Neuroscience
Newark, NJ 07103
PH (973) 972-5162
FAX: 973 972-2668
e: steve.levison@umdnj.edu
w: www.karger.com/dne

On Nov 17, 2011, at 11:32 AM, Steven Goodman wrote:

Dear Dr. Levison,

I was wondering the status of your Notice of Retraction now that we are more than two weeks from the November 1st deadline that you had given Miller and Hu. I am looking forward to receiving your draft Notice of Retraction prior to publication.

Thank you,
Steve

Steven Goodman, Ph.D.
Vice President for Research
Dean, College of Graduate Studies
SUNY Upstate Medical University
Room 1120 Weiskotten Hall
750 East Adams Street
Syracuse, NY 13210
(315) 464-4515

>>> Steve Levison <levisosw@umdnj.edu> 10/26/2011 9:20 PM >>>

Dr. Goodman,

Thank you for your email and for attaching the letter of retraction you wrote, and which will be published in Experimental Biology and Medicine. I am grateful for the guidance you've provided as a fellow Editor-in-chief.

To provide you with a little additional context, I subsumed the responsibilities of Editor-in-Chief of Developmental Neuroscience in January of 2009 and since that time, there have been no accusations of scientific fraud or scientific misconduct associated with articles that we have published. That is until this case, where a retraction was requested by your University.

I assure you that I take my role of Editor-in-Chief quite seriously and that in handling this case it has always been my full intent to make sure that the final decision rendered is in the best interest of the scientific community.

I received notice today that Drs. Hu and Miller are having some difficulty in coming to agreeable terms on a jointly signed letter of retraction. Accordingly, I have sent them an email asking them to complete their negotiations and to send me a jointly signed letter by November 1st, 2011 as requested previously. I prefer that as the authors of this flawed article agreed to retract it, that they also will agree on the letter to be published in the Journal for this retraction.

In that email I also indicated that should they be unable to agree upon an acceptable jointly signed letter, that I will independently write a letter of retraction, using the letter that you so kindly provided as a template. Thus, I assure you that this case will be brought to a close in the very near future and that the outcome will be as recommended by the findings of the Upstate Investigation committee.

Sincerely,

Steve Levison, PhD
Editor in Chief, Developmental Neuroscience
Professor of Neuroscience
Director, Laboratory for Regenerative Neurobiology
Department of Neurology and Neuroscience
Newark, NJ 07103
PH (973) 972-5162
FAX: 973 972-2668
e: steve.levison@umdnj.edu
w: www.karger.com/dne

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On Oct 21, 2011, at 4:43 PM, Steven Goodman wrote:

Dear Dr. Levison,

In addition to being the Vice President for Research and Dean of the College of Graduate Studies at Upstate Medical University, I have served as Editor-in-Chief of **Experimental Biology and Medicine** since July 2006. I have handled Research Misconduct cases both from the side of a Institutional Research Integrity Officer and a journal Editor. I have watched your handling of the findings by an Upstate Investigation committee and the President of Upstate Medical University (the Deciding Official) that Michael Miller was guilty of multiple counts of research misconduct including falsification of data in an article published in **Developmental Neuroscience** (Hu and Miller 2009). The conclusion of the President of our University based on reading the Investigation report and Miller's rebuttal responses is that the Hu and Miller (2009) article needed to be retracted. Thus far you have not retracted the article and have now added requirements which frankly are unreasonable as Miller has little reason to co-sign a letter with Hu at this point in time.

Your actions to date concern me, and should be of greater concern to you, for the following reasons:

1. The major reason that Institutions handle research misconduct cases related to falsification, fabrication and plagiarism of published material is to correct the scientific record. As Editors of journals it is our responsibility, once an Institution makes a finding of scientific misconduct and requests retraction of an article, to retract that article. The guilty party will always claim innocence and their lawyers will frequently make threats to the journal but it is our job to make sure that the scientific record is corrected based on the findings of the Institution. If we do not properly handle these cases we are costing researchers worldwide endless hours trying to reproduce results that are fraudulent and basing their own grant proposals on falsified or fabricated data. We are also then responsible for wasting taxpayers dollars for studies without a solid basis.
2. Once the ORI publishes the results of their Investigation into this case it will cause you, your journal, and your publisher great embarrassment if you have not already retracted the article.

I wanted to show you a notice of retraction that I wrote and is coming out very soon in **Experimental Biology and Medicine**. This case is similar to the Miller case in that the President of the Chinese Academy of Science and Peking Union Medical College wrote to me to say that a finding of falsification was made, after an Institutional Investigation of research misconduct was completed, on a article that we had published in EBM. The President requested that I retract the article. In the attached notice of retraction you will note that in response to the President's letter the journal is publishing a notice of retraction. We did not ask the authors permission to retract or ask them for a letter requesting retraction. We did send the authors a copy of the Notice of Retraction in advance of its publication.

I send this to you as a fellow Editor-in-Chief hoping that it will be helpful in the Miller case as well as future cases that you will deal with. The EBM Editorial Board, the Society of Experimental Biology and Medicine leadership, the leadership of the Royal Society of Medicine Press (our publisher) and their legal Counsel all supported this approach for handling retractions of fraudulent articles and approved the text of the attached Notice of Retraction.

I hope that this e-mail and the attachment are helpful to you. This is really all about the need to correct the scientific record. I am sure that you agree to the importance of doing so.

Sincerely,
Steve Goodman

Steven Goodman, Ph.D.
Vice President for Research
Dean, College of Graduate Studies
SUNY Upstate Medical University
Room 1120 Weiskotten Hall
750 East Adams Street
Syracuse, NY 13210
(315) 464-4515
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