
Report of the Board of Trustees
In the Matter of Professor Fei Wang

December 14, 2018

Introduction

This matter is before the Board of Trustees of the University of Illinois (the “Board”) pursuant to Article X of the University *Statutes* to consider the possible dismissal of Prof. Fei Wang. On November 16, 2018, the Board held a hearing to consider the charges filed by President Killeen, received evidence, including live testimony of witnesses, and deliberated on the arguments presented by counsel for the University and counsel for Prof. Wang. The Board also requested and received post-hearing briefs from counsel for the University and counsel for Prof. Wang. Upon consideration of these briefs, the record of the hearing, and the extensive materials submitted prior thereto, for the following reasons, it is the decision of the Board that Prof. Wang shall be dismissed from the University of Illinois and, further, that such dismissal shall be effective immediately.¹

Factual and Procedural Background

Fei Wang is an associate professor in the Department of Cell and Developmental Biology, a part of the School of Molecular and Cellular Biology at the University of Illinois at Urbana-Champaign. Prof. Jie Chen is the head of Prof. Wang’s Department. In January 2014, Prof. Chen received an email message from a colleague of Prof. Wang’s alleging that Prof. Wang had falsified or fabricated data in a grant application submitted to the National Institutes of Health (“NIH”). Over the next several days, Prof. Chen followed up on this email and held meetings with a number of faculty and students, during which she heard reports that Prof. Wang had submitted “results” from experiments which had never been performed and that the images submitted as part of the NIH grant application were from mouse cells, not human cells as had been reported.

¹ The three student trustees did not participate in the consideration of this matter as it involved issues of tenure. See 110 ILCS 310/1.

Prof. Chen met with Prof. Stephen Sliger, the Director of the School of Molecular and Cellular Biology, and together they discussed the matter with Howard Guenther, Vice Chancellor for Research and the University's Research Integrity Officer. On March 21, 2014, Dr. Guenther transmitted an electronic copy of the NIH grant application and a written statement of the alleged falsifications and fabrications to Prof. Wang. A week later, on March 28, 2014, Prof. Wang responded in writing to these allegations.

On April 2, 2014, the school initiated an investigative process pursuant to the University's policies. This included convening an Investigative Panel of faculty knowledgeable in the particular subject matter. The Panel reviewed the evidence and offered Prof. Wang an opportunity to present additional material in person and in writing. The Investigative Panel also met with and electronically recorded interviews with three graduate students working under Prof. Wang's direction. On November 25, 2014, the Investigative Panel issued a draft report and allowed Prof. Wang to comment and provide additional documentation in response to the allegations. The Panel issued its Final Report on March 23, 2015. The report stated: "Dr. Wang cannot be trusted with conducting academic research and mentoring graduate students and postdoctoral fellows." The Panel unanimously concluded: "[F]rom an academic and research standpoint, the Panel strongly and unanimously recommends termination of Dr. Wang's employment and all association with the UIUC."

On December 17, 2015, Interim Vice President and Chancellor Barbara J. Wilson filed written charges for dismissal pursuant to Article X of the University *Statutes* with the Urbana-Champaign Committee on Academic Freedom and Tenure ("CAFT"). The charges included allegations based on the results of the work of the Investigative Panel, namely, that Prof. Wang had falsified research data in grant applications to both NIH and the National Science Foundation

(“NSF”), had destroyed original data, and had failed to supervise properly graduate students, in addition to other alleged misconduct.

CAFT held a series of hearings and received evidence from the University and Prof. Wang on November 5, 2016, December 1, 2016, February 18, 2017, and April 27, 2017. Following the conclusion of these hearings, CAFT issued a preliminary report on February 12, 2018, to which both the University and Prof. Wang were permitted to provide comments and objections. The University did not object to any portion of the preliminary report. Prof. Wang provided his responses and objections on March 15, 2018, and CAFT revised its report in response to Prof. Wang’s submission. CAFT then issued its final report on April 5, 2018. The Report found that Prof. Wang had committed research misconduct by clear and convincing evidence, including the following:

- Specifically, in connection with a grant application for NIH, Prof. Wang was accused of falsifying data, including submitting images of mouse cells instead of human cells; of referencing results of experiments that had not been conducted; and of including “error bars” on his results which bore no relationship to actual experimental data. CAFT found by clear and convincing evidence that these charges had been proven.
- CAFT further found by clear and convincing evidence that Prof. Wang also had falsified data and made false and misleading statements in connection with a 2009 grant application to NSF.
- CAFT noted that at the time of the initial 2014-15 research integrity investigation, Prof. Wang was working with seven Ph.D. candidates. He was accused of failing to provide adequate mentorship, including failing to provide guidance on how to maintain laboratory notebooks and the need to record experimental data in those

notebooks. CAFT also found by clear and convincing evidence that Prof. Wang “seriously breached the university’s expectations for academic mentorship.”

- Finally, CAFT, in addition to its extensive review of the factual record and evidence submitted, reached the following recommendation:

The Hearing Committee is . . . convinced that Prof. Wang can no longer be relied on to perform in a manner consistent with professional standards. . . . On the basis of that what has been clearly and convincingly proven on the record before it and the Conclusions drawn before it, the Hearing Committee believes that it must be recommended that Prof. Fei Wang be dismissed.

CAFT’s recommendations and conclusions were unanimously supported by the members of the Hearing Committee. On May 4, 2018, President Timothy L. Killeen caused the charges for dismissal to be filed with the Secretary of the Board of Trustees for appropriate action by this Board. Prof. Wang requested a hearing before this Board, which was held on November 16, 2018.

Standards For Dismissal Under Article X

Article X of the University *Statutes* provides:

Due cause for dismissal shall be deemed to exist only if (1) a faculty member has been grossly neglectful of or grossly inefficient in the performance of the faculty member’s university duties and functions; or (2) . . . a faculty member’s performance of university duties and functions or extramural conduct is found to demonstrate clearly and convincingly that the faculty member can no longer be relied upon to perform those university duties and functions in a manner consonant with professional standards of competence and responsibility; or (3) a faculty member has while employed by the University illegally advocated the overthrow of our constitutional form of government by force or violence.

University *Statutes*, Article X, § 1(d). The *Statutes* also provide that in the event the President refers charges to the Board, a faculty member may request a hearing before the Board. At that hearing, the faculty member:

Shall have the right to appear at the hearing, with counsel if desired, to reply to the charges and to present evidence. Counsel for the University shall represent

the university administration at the hearing and shall have the right to present evidence in support of the charges.

Id. at §1(e)(7). Finally, the *Statutes* provide:

The board will give due consideration to the findings, conclusions, and recommendations of the Committee on Academic Freedom and Tenure, and the remainder of the record relevant to the charges before said committee, and in all cases where a report was made by the committee will invite a member of the committee designated by its chair to attend the hearing and make a statement before the board.

Id. At the November 16 hearing, the Board invited Prof. Mark Steinberg, the current Chair of CAFT and a member of the Hearing Committee, to attend the hearing; he did so, and provided a statement on CAFT's deliberations and conclusions.

Discussion

Pursuant to Article X, the questions which this Board must determine are whether Prof. Wang has been “grossly neglectful” of his duties and/or whether he “can no longer be relied upon to perform [his] university duties and functions in a manner consonant with professional standards of competence and responsibility.” In considering these questions, we must also determine that the evidence supports any conclusions we reach concerning the University's reliance on a faculty member's future conduct by “clear and convincing” evidence. Finally, while any conclusions we reach must be those of this Board alone, we must give “due consideration to the findings, conclusions and recommendations” of CAFT and the record before that Committee.

Taking all of the evidence submitted to the Board into consideration, we conclude that the record establishes that Prof. Wang has been grossly neglectful of his duties and that he can no longer be relied upon to meet the standards of competence and responsibility required of our

faculty members. We further agree that these conclusions have been established clearly and convincingly by the materials submitted to us and the testimony we have heard.

We are honored to serve as Trustees of the University of Illinois and to preserve and maintain a history of scholarship and research that spans more than 150 years. We can only appropriately safeguard that legacy by requiring that our faculty meet, if not exceed, a standard of excellence, integrity and professionalism. Unfortunately, Prof. Wang has not. As CAFT concluded, he falsified and fabricated data in federal grant applications. Prof. Wang also did not properly mentor his students, nor did he take responsibility for errors that clearly occurred in his laboratory. Prof. Wang's "errors" also consistently ran in one direction: to support the conclusions which Prof. Wang wanted the data to show. As CAFT stated: "It is instructive that the misrepresentations were not random. For the most part, they tended to claim more work than had actually been done and with more success than was warranted."

We agree, therefore, with CAFT's conclusion:

Professor Wang knew what he was doing when he did it: he knew that mouse cells were not human cells; he knew that he was guessing when he estimated an error bar; he knew that results reported were not on the basis of experiments represented as having been done *et cetera*.

We also find it compelling that, when initially confronted with these allegations, Prof. Wang, according to Prof. Chen, the head of his school, "admitted to everything." As another member of the investigation stated: "[I]t was clear that Prof. Wang admitted to having done exactly what he was accused of doing." Specifically, Prof. Wang admitted that he did not perform the research he claimed to have done in the NIH grant application. When Prof. Wang was confronted with the fact that he had submitted images of mouse cells and falsely claimed they were images of human cells, Prof. Wang admitted this is exactly what he had done. According to Prof. Chen, she asked him "Did you make this up completely?" and Prof. Wang answered "Yes."

On March 24, 2014, Prof. Wang wrote to Prof. Chen and said "I crossed the line by 'guessing' the results and putting error bars on experiments that was done only once." In his written statement of May 13, 2014, Prof. Wang informed the Investigative Panel: "I deeply regret for the terrible mistakes associated with [the NIH grant]. I wish I could take them back." In short, not only are the allegations supported by clear and convincing evidence, but Prof. Wang has admitted to the vast majority of them.

As a defense to these charges, Prof. Wang contends that there was a failure of due process based on alleged procedural flaws in the initial investigative process in 2014 and that the procedures before CAFT did not allow him to advance these procedural arguments. This argument fails for several reasons. First, as a threshold matter, it is difficult to imagine more "process" than Prof. Wang has been afforded here. The "Investigative Process" of his Department ran for nearly a year -- from the time of the initial email in January 2014 until the Panel's report in December of that year. The CAFT process lasted nearly three years beyond that. The written charges were submitted in November 2015 and the final report did not issue until April 2018. The process before this Board began in May 2018 when President Killeen forwarded the CAFT Report and continued through our hearing on November 16, 2018. In all, it has been nearly five years since Prof. Wang's colleague first raised concerns about Prof. Wang's misconduct. Since then Prof. Wang has been involved in three separate review processes consuming thousands of hours of faculty and administrative time. The charges against Prof. Wang have been reviewed multiple times by multiple investigative bodies, including the careful deliberations of this Board. Throughout this time, Prof. Wang continued to receive his salary and benefits from the University. It strains reason beyond recognition to argue that Prof. Wang has not received "due process" over these five years.

Beyond this, there was no procedural error in the investigative process. To the extent certain described elements of the University's internal processes were truncated it was because Prof. Wang admitted to the misconduct at issue. Following these important admissions, there was no need to continue certain aspects of the investigation. The fact that Prof. Wang has now decided to attempt to withdraw those previous admissions does not require the University to return to the investigative process. Prof. Wang's admissions were sufficient.

Finally, CAFT's review of Prof. Wang's misconduct is for legal purposes a *de novo* process -- it does not rely upon the Investigative Process but returns to the beginning. The members of the Hearing Committee reached their own conclusions and were not required to give "due consideration" to the Investigative Panel. Instead, CAFT reached its own, independent conclusions regarding the nature and scope of Prof. Wang's misconduct, and further determined that "clear and convincing" evidence supported these conclusions. For each of these reasons, Prof. Wang's complaints about the investigative process are unavailing.

Prof. Wang is without question a highly intelligent, likeable, and charismatic scientist. However, the record supporting his fabrication of data and falsification of laboratory results, his submission of mouse cells rather than human cells in his data, his failure to mentor and supervise his students is overwhelming and beyond unacceptable. Prof. Wang's misconduct has already required the University to return substantial sums of research funds to the federal government. Taking the entire record before us into consideration, the Board concludes that due cause for Prof. Wang's dismissal has been demonstrated clearly and convincingly.

Conclusion

WHEREFORE, the Board of Trustees of the University of Illinois concludes that the record before us clearly and convincingly requires the dismissal of Prof. Fei Wang for cause.

Further, given the gravity of the misconduct in question and its impact on the University and our students, we conclude that this dismissal should be effective immediately. The Board further directs President Killeen to take all such administrative actions necessary to enforce the terms of this directive.