

## CLOSEOUT FOR M90030012

On [REDACTED] Dr. [REDACTED], a program director in the Division of [REDACTED] within the Directorate for [REDACTED], informed OIG that the University [REDACTED] (the institution) was conducting an investigation into allegations of misconduct in science against Dr. [REDACTED] the subject and a faculty member in that institution's Department [REDACTED]. The program officer said that the subject, who was a co-PI on NSF award [REDACTED] entitled "[REDACTED] [REDACTED]," had a professional disagreement with one of his two co-PIs on the grant, Dr. [REDACTED], complainant 1 and an employee of [REDACTED] (the Firm). The disagreement was one of the sources for the allegations the institution was investigating.

OIG reviewed the subject's relevant NSF grants and proposals, as well as information provided by the institution, by Dr. [REDACTED] complainant 2 and president of the Firm, and by Dr. [REDACTED] complainant 3 and chairman of the subject's department. From this information OIG learned that the institution had evaluated 18 allegations concerning questionable practices by the subject.

OIG determined that one of the sources of these allegations was the content and authorship disagreements that arose because the subject prolifically drafted manuscripts and assigned authorship after receiving, at best, only cursory approval from other involved professionals. Another source of these allegations was the alleged errors in an electronic journal owned, edited, and published by the subject. A third source of these allegations was the professional animosity between the subject and the three complainants. Complainant 2 and the subject had a public and professional disagreement that immediately preceded the events in this case. Shortly thereafter, complainant 1 and 2 attempted to remove the subject as a co-PI from the NSF grant which identified the Firm as the grantee. Finally complainant 3, a close associate of the first two complainants, brought allegations against the subject to the attention of institutional officials.

The stated goal of the first two complainants' efforts was to have the subject removed from the NSF grant. However, the program officer terminated the NSF award because he believed complainant 1's and complainant 2's disagreements with the subject were such that no work could be accomplished under the award. In response to the complainants' appeals to NSF, the termination was converted into a suspension that remained in effect until the disputes were resolved.

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Of the 18 allegations, three concerned the subject's alleged failure to provide appropriate citations or acknowledgments in articles he had published. OIG determined that one of these allegations was a dispute between the subject and a PI working in a related area over whether the PI should have been acknowledged for prior work in a paper by the subject. OIG determined that this dispute was not a misconduct in science issue. The two remaining allegations were based on the subject's and complainant 3's different perceptions of various individuals' contributions to the papers. OIG determined that the subject's practices were less than ideal, but did not rise to the level of misconduct in science.

Three of the allegations concerned the subject's alleged failure to obtain permission to republish data without, in one instance, the original publisher's (the Firm's) permission, or, in two instances, the permission of his collaborator or research assistants. OIG learned that, in the first instance, the subject did have prior written permission from the original author and the Firm, and thus the allegation had no substance. With regard to the remaining allegations, OIG learned that the subject had republished data developed under the subject's and complainant 3's NSF grant in the subject's electronic journal (see below). In the latter two allegations, the complainant alleged that the subject had not received permission to republish the data, but, in one instance, later acknowledged that he had given permission. In the second instance, it appeared that the dispute arose because the subject interpreted an oral conversation about republishing preliminary data as part of a larger compendium of data he had solely compiled as permission to do so. The subject provided the original co-authors with credit for the data, but, because of complainant's concerns about the accuracy of the data, he notified the journal subscribers of their preliminary character, noted that they were being withdrawn, and requested that subscribers not use the withdrawn data. OIG concluded that the subject's actions were questionable but that they did not rise to the level of misconduct in science.

Two of the allegations concerned the subject's practices when publishing data in his electronic journal. OIG learned that the electronic journal "volumes" consisted of diskettes that contained compendia of data which were periodically mailed to subscribers. It was the subject's intention that the data in any one "volume" could be updated and a replacement diskette issued to subscribers. In the first allegation, OIG learned that the subject had informed three individuals (including complainants 1 and 2) that, three years earlier, he had "published" a set of data in his journal that incorrectly named them as authors. He said that this mistake occurred when a draft diskette identifying the original authors of the data, rather than the final version of the diskette, was mailed to subscribers. After apologizing to the individuals involved, he mailed the subscribers a corrected replacement diskette. In the second allegation, the subject published data in his journal and named two individuals (one of whom was complainant 3) as authors. It was alleged that, while both individuals had worked on creating the data, neither individual had given the subject written permission to name them as authors nor had the subject been given permission to name himself as an author. The subject showed that authorship had been discussed with each individual but said he had not obtained their written permission to use

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their names as authors on the data published in his journal. He said that he did not think it was necessary to secure such permission from close collaborators and described his contributions in developing the data as sufficient to warrant his own authorship. OIG concluded that the subject's practice of providing "guest authorship" was questionable but not misconduct in science and far less serious than publishing collaboratively developed data without acknowledging his co-workers would be. OIG learned that the subject's informal management of his journal, while initially adequate, was now inappropriate because the journal's increased stature and readership required more formal management, such as permission to publish documentation. Through the investigation process at the institution, the subject obtained institutional sponsorship for the journal, appointed a new editor, and formalized its rules for publication. OIG determined that these actions satisfactorily addressed these allegations.

Four of the allegations concerned the subject's practice of providing people with authorship on manuscripts when those people had not agreed to be authors. Complainant 3 alleged that, on at least four occasions, the subject had drafted manuscripts and provided various collaborators with authorship and that the collaborators disagreed either with being provided authorship or with the authorship the subject had provided to other individuals. OIG concluded that, while the subject's practice might not be the most desirable, the inappropriate provision of people with authorship on manuscripts was easily rectified in the subsequent version of the manuscript. OIG learned that in one instance the subject had modified the contested authorship prior to the receipt of the allegation, and in response to the remaining three allegations, he modified the authorship on the unpublished manuscripts to accommodate the complainant's concerns.

Complainant 3 made three allegations about the subject's behavior on their joint NSF grant. The complainant alleged that, without the complainant's permission, the subject used a code book compiled under their NSF grant and entered their NSF project room, and, further, that he had failed to participate in the work on their NSF grants. OIG determined that the subject and complainant, as co-PIs, had equivalent rights to the code book. Hence, the subject did not have to secure the complainant's prior permission to use it nor did the subject have to secure the complainant's permission to enter their project room. OIG was concerned to learn that the complainant had changed the locks on the room and had not provided the subject with a key, effectively prohibiting the subject's access to the project materials. The subject produced ample evidence while responding to the other allegations in this case to show that he was actively working on the grants. OIG concluded that these allegations demonstrate the poor working relationship between these two PIs, and determined that the institution, through the investigation process had effectively mediated this dispute. The project was divided into separate, mutually agreed upon, research areas which limited the PIs' need to interact with each other.

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Finally, complainant 3 made three allegations about inaccuracies in various materials submitted by the subject. The subject was alleged to have filed an inaccurate NSF progress report; however, OIG could find no evidence to support this allegation. The subject was alleged to have submitted an inaccurate curriculum vitae to complainant 3, as his co-PI and department chairman. OIG determined that this was a draft CV submitted for corrections and that it did not appear in NSF materials. Hence, it was not an issue relevant to OIG's assessment of this case. In the second allegation, the subject was alleged to have made an indiscreet statement to an informal working group of colleagues in an informal newsletter. The subject's statement identified the country in which another researcher's project was to take place. The complainant viewed this statement as jeopardizing the project because obtaining research clearances was a politically sensitive issue and was handled confidentially. OIG concluded that, while the subject's comment could have been more discreet, it did not, in its limited release to close colleagues, damage the researcher's project. In the third allegation, the complainant alleged that the subject had made inaccurate statements about other department faculty members' participation in his declined NSF proposal. OIG determined that while these statements were not completely accurate, they did not influence NSF's assessment of the proposed project and they did not rise to the level of misconduct in science.

OIG concluded that many of the subject's practices that were described by these allegations were not desirable and that they showed a pattern of questionable judgement. Because of the subject's serious professional and personal disputes with the three complainants, it appeared that the complainants were less forgiving of his questionable practices than they otherwise might have been. Rather than resolving their grievances, such as authorship assignments on manuscripts, directly with the subject, they pursued formal allegations against him. Similar conclusions were reached by the institution's investigating committee. In a letter of warning the institution told the subject that

. . . While the investigation of the matter does not conclude that you have deliberately acted to circumvent the normal standards of conduct expected of academicians involved in research and publication, the review of this issue and your involvement in the ensuing events have caused us significant concern. . . .

. . . Many of the allegations have arisen because you used verbal permission and commentary to validate your work or the work of others, in the collaboration and publication of research. This method of operation, as you have agreed, needs to be corrected immediately and we understand that you have taken steps to do so.

. . . [W]e are giving you a warning of record that the behavior outlined above must cease. A repetition of the specific charges, or any other allegations

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of academic impropriety, will be remanded to the appropriate committee in the Academic Senate . . . [and] may result in disciplinary action. . . .

OIG concluded that the changes in the administration of the subject's journal and the institution's letter of warning to the subject satisfactorily resolved the allegations and there was no need for OIG to pursue them further.

OIG closed this inquiry and no further action will be taken in this case.

cc: Staff Scientist, Deputy AIG-Oversight, AIG-Oversight, IG