

**CLOSEOUT FOR M90050023**

On October 8, 1991, OIG signed a memorandum closing this case. The following day, OIG learned that the Office of Research Integrity (ORI) at the Department of Health and Human Services had concerns about the university investigation. The university had found that the subject had not committed misconduct. Because OIG believed it was possible that new investigative efforts by ORI or the university would develop evidence indicating that misconduct had taken place, OIG decided to delay officially closing the case until ORI resolved its concerns.

Some ORI concerns about the original investigation involved the university's failures to adhere to its own procedures. OIG has determined that the alleged failures did not compromise the fundamental fairness of the investigation and did not support a decision to investigate this case further.

ORI reviewed the evidence bearing on the data falsification allegations in this case. OIG analyzed ORI's letter to the university explaining ORI's decision to close the case. ORI's letter contains no information that would cast doubt on OIG's judgment, expressed in the October 8, 1991 memorandum, that this case ought to be closed. ORI likewise produced no such information in response to an OIG letter requesting it.

This case is closed and no further action will be taken.

Closeout of M900050023

This case began on May 9, 1990 when OIG received a call from the original complainant, [REDACTED], at the [REDACTED]. His complaint was against Prof. [REDACTED] in the Department of [REDACTED] University of [REDACTED]. A second complainant was identified, [REDACTED] in the Department of [REDACTED] at the same institution. A number of allegations were received from these sources. Most were related to National Institutes of Health, rather than NSF, funding.

At the request of the second complainant the institution conducted a formal investigation into the allegations. NSF has received the investigative report. The allegations pertaining to NSF funding fall into three groups. The first is that the subject presented fabricated data in a publication. The investigating committee found adequate evidence that the experiments were performed, and OIG accepted this as a resolution of the matter.

The second allegation has to do with a proposal that the subject submitted to NSF. It was claimed that the subject plagiarized the ideas of the second complainant in preparing the proposal and should have asked the complainant to be a co-Principal Investigator. The investigating committee found that the subject was experienced in the field of research and not entirely dependent on the complainant, as alleged. It also found that the complainant was a post-doctoral fellow and research associate working under the subject's direction and supported by the subject's grant. The investigating committee concluded that the subject was entitled to treat the complainant's ideas, experiments, and data as part of the overall project, and was not obliged to name the complainant as a collaborator or co-PI. OIG accepted these conclusions.

The third group of allegations has to do with a paper that the subject and the second complainant submitted for publication. Several issues were raised: The subject included the paper in the proposal to NSF, indicating that it was "in press". In fact, it was not, and had actually been sent back by the editor. The investigating committee found that the subject gave an unsatisfactory explanation for his error in so describing the paper. OIG agreed that this was a careless error. However, we have not found that it had any serious consequences. Therefore this matter will not be pursued further.

Another allegation related to the paper had to do with the subject's right to be a co-author. OIG judged that this followed from his position as research director. Similarly, there was a complaint because he withdrew the paper from publication when he

decided it was technically flawed. The investigating committee found that he was within his rights in doing this, and OIG concurred.

The university panel concluded that all charges against the subject should be dropped. OIG concurs, with regard to the allegations that concern NSF. The case can now be closed, with notification to those who have dealt with us on this matter: the university, the complainants, and the Office of Scientific Integrity at NIH.

*Donald E. Buzzelli*

Donald E. Buzzelli  
October 4, 1991

*concur: James J. Zurbrugg*  
*10/7/91*

*Philip S. ...*  
*10/8/91*

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