

## Closeout for M97060019

In May 1997, we received an allegation that a confidential peer reviewer ('the subject') committed intellectual theft by copying an experimental protocol from an National Science Foundation (NSF) proposal<sup>1</sup> submitted by two scientists.<sup>2</sup> The subject published a journal manuscript<sup>3</sup> based on a novel experimental protocol described in this proposal.

National Science Foundation records indicate transmission of this proposal for confidential peer review to the subject in September 1995. The subject returned this proposal to NSF in early October 1995. The agency records do not indicate the reason(s) why the subject returned this proposal.

In the same general time frame as our receipt of this allegation, another scientist ('the second complainant')<sup>4</sup> communicated the same intellectual theft allegation along with additional allegations of plagiarism, failure to acknowledge contributions and misrepresentation of research data to several professors and one journal editor. However, the second complainant did not submit a formal allegation to the Office of the Dean, as required by university regulations, and as a result the university did not conduct a formal inquiry into these allegations.

In June 1997, the university conducted an "unofficial departmental inquiry" which involved a cursory examination of the allegations. The "unofficial departmental inquiry committee" did not interview several material witnesses. In addition, the second complainant possessed a potentially critical laboratory notebook, so the "unofficial departmental inquiry committee" could not review important research data. After considering the remaining documentary evidence along with the subject's recollection of dates and times, the "unofficial departmental inquiry committee" submitted a final report to the Office of Inspector General (OIG) which found no evidence to support any allegations of misconduct in science against the subject.

Although our jurisdiction reached the subject's alleged violation of the confidentiality of NSF's peer review process, NSF did not fund the subject's research, and accordingly our jurisdiction did not reach the remaining allegations. Our office contacted the federal agency<sup>5</sup> responsible for funding the subject's research projects. This federal agency approved a joint inquiry into the allegations, with NSF as the lead agency.

After coordinating the joint inquiry, OIG requested supplemental responses to several questions in the "unofficial departmental inquiry" report. In the alternative, OIG

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<sup>1</sup> [footnote redacted]

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suggested the university conduct a complete formal inquiry following university regulations. The university decided to conduct a formal inquiry.

The formal inquiry committee conducted interviews with the subject and several material witnesses along with a more complete review of documentary evidence. In addition, the inquiry committee interviewed the second complainant. In August 1999, the inquiry committee submitted a report which found no support to the allegations against the subject. In particular, the inquiry committee concluded (1) the subject did not violate the confidentiality of the peer review process; (2) the subject did not plagiarize the second complainant's manuscript; (3) the subject did not improperly publish the second complainant's data; (4) the subject did not improperly fail to acknowledge contributions of a colleague; (5) the subject did not improperly fail to reference preliminary reports; and (6) the subject did not misrepresent data or research results.

After reading the inquiry committee report, the federal agency responsible for funding the subject's research declined any further inquiry into these allegations. However, OIG requested additional information from the inquiry committee. In particular, OIG requested a clarification of the subject's statement to the inquiry committee that receipt of the NSF proposal provided "the impetus to repeat or complete experiments and to submit the findings for publication." In response, the inquiry committee provided conversation notes and additional photographic images.

In September 1999, OIG interviewed the second complainant. According to the second complainant, the subject kept a photocopy of the NSF proposal in the laboratory for an extended period of time after October 1995. At this interview, OIG secured the missing laboratory notebook. An analysis of the laboratory notebook proved inconclusive.

In January 2000, OIG conducted a personal interview with the subject to resolve timeline discrepancies and the ambiguity of the subject's statement concerning "the impetus to repeat or complete experiments." At this interview, the subject could not explain a one year discrepancy in the timeline provided to OIG and a timeline provided in a response letter to the authors of the NSF proposal. After repeated questioning, the subject dismissed the timeline discrepancy as a simple mistake.

The subject provided only a vague clarification of the statement concerning the "impetus to repeat or complete experiments." According to the subject, a figure in the NSF proposal led to concerns the two scientists would "scoop" credit for the discovery. So, the subject decided to "repeat or complete experiments."

After a complete inquiry into all allegations, OIG could not conclusively prove the subject committed misconduct in science. Accordingly, this case is closed.

The missing laboratory notebook will be returned to the university.

Cc: Integrity, IG