

Case Closeout – M00020005

Redacted

Our office received two allegations of failure to provide authorship credit and one allegation of retaliation against a whistleblower.

According to the first allegation, a professor (Subject)¹ failed to provide proper authorship credit in a published manuscript by crediting the contributions of two research assistants (Complainant 1 and Complainant 2)² in the acknowledgements section of a manuscript³ instead of listing the Complainants as co-authors. The Complainants allege their experiments led to an important discovery, and without this discovery, the Subject could not have performed the experiments necessary for the publication of the manuscript.

In response to a letter from NSF OIG, the university⁴ produced an inquiry committee report which examined the question of whether the Complainants' contributions to the research performed in the Subject's laboratory merited authorship credit on this manuscript. The university inquiry committee examined the authorship claims in accordance with university policy along with the criteria for authorship as set forth in "Authorship, Data Ownership Examined." Culliton, BJ. Science (1988) 658, 242. According to this article, in order to qualify as an author, an individual must fulfill two of the following four requirements:

- Conception of idea and design of experiment;
- Actual execution of experiment;
- Analysis and interpretation of research data;
- Actual writing of the manuscript

The university inquiry committee rejected the authorship claims of Complainant 2, as this individual left the Subject's laboratory six months before any of the critical discoveries discussed in the manuscript. In response to Complainant 1's allegation, the inquiry committee concluded that although Complainant 1 performed some preliminary research in the Subject's laboratory, the research presented in the manuscript involved more sophisticated experimentation which was performed after Complainant 1 left the Subject's laboratory. After considering the written documentation from Complainants 1 and 2⁵ along with oral and written testimony of the Subject

¹ [footnote redacted]

² [footnote redacted]

³ [footnote redacted]

⁴ [footnote redacted]

⁵ The inquiry committee did not conduct interviews with the Complainants. However, in an addendum to the final report, a member of the inquiry committee noted that "a careful investigation was carried out and four investigators were interviewed who had worked in [the Subject's] laboratory over the same time period as [the Complainants]. Additionally, the committee examined laboratory records and experimental data collected at that time" (Exhibit [redacted]). In addition, the inquiry committee member notes "in retrospect[] it might have been

and several members of the Subject's laboratory, the university inquiry committee concluded the Complainants did not satisfy any of the four requirements for authorship and found "no indication that either Complainant contributed materially to the design of the experimental approaches described in that paper, nor did they contribute in any other manner to a paper written long after they had left the laboratory."⁶ Accordingly, the university inquiry committee dismissed the authorship credit allegations without prejudice.

The second allegation claims the Subject failed to provide proper authorship credit on another published manuscript.⁷ According to the Complainants' letter to NSF OIG, Complainant 1 "did a lot of work for this paper and [the Subject] promised to put [Complainant 1's] name in the author list. But when the paper was published [Complainant 1's] name was in the acknowledgements with wrong spelling." The inquiry committee did not address this allegation, as Complainant 1 never made a formal or informal complaint to the university. In addition, Complainant 1 never provided any evidence to support this allegation to NSF OIG, in stark contrast to the extensive evidence provided by the Complainants in support of the first allegation. In a response letter to NSF OIG dated 26 May 2000, the Subject stated that Complainant 1 only provided a sample of the material necessary for the research and "never contributed to the design of the experiments [or] participate in any of the initial experiments." Accordingly, the Subject only listed Complainant 1 in the acknowledgements section.

According to the final allegation, the Subject requested that a third party threaten the Complainants with deportation because of the authorship dispute. The third party never delivered this message and the Complainants provided no additional evidence to substantiate this allegation. Although university counsel sent a letter to Complainant 1's present employer⁸ concerning the authorship allegations, this letter did not contain any threats or even mention deportation.

After considering the inquiry committee report along with all relevant oral and written documentation, our office concludes that a formal investigation into these allegations is not supported by the evidence. Accordingly, this inquiry is closed and no further action will be taken by our office.

cc: IG, Investigations

beneficial to permit the accused the opportunity to confront and cross-examine [the Complainants] [as set forth in university guidelines], it seemed extremely improbable that either [Complainant] would benefit from such a confrontation. (Exhibit [redacted]).

⁶ [footnote redacted]

⁷ [footnote redacted]

⁸ [footnote redacted]