

CLOSEOUT FOR M91100040

This case was brought to OIG by [REDACTED] a program director in the [REDACTED] Program, on October 25, 1991. He had received an [REDACTED] letter from [REDACTED] of the University [REDACTED] (the complainant) alleging "breaches of scientific ethics" by [REDACTED] of [REDACTED] University (Subject #1) and [REDACTED] of [REDACTED] University (Subject #2). A third scientist, [REDACTED] of [REDACTED] University, collaborated with Subjects #1 and #2 on their research and should also be considered a subject of the allegation (Subject #3).

The complainant's letter explained that she proposed to work on the [REDACTED] in her NSF proposals [REDACTED], entitled [REDACTED]

[REDACTED], and [REDACTED], entitled [REDACTED]. Subject #1 was sent both proposals for review, although he in fact did not complete reviews of either. Subject #2 was on a panel that reviewed both proposals, but recused herself because she and the complainant had recently been at the same university. According to the program officer, it is very unlikely that Subject #2 would have seen the proposals.

The complainant's research resulted in certain important findings that were then presented at a 1990 meeting. In early 1991, Subject #2 informed the complainant that Subject #1 had expressed an interest in doing related work in Subject #2's laboratory. The complainant subsequently learned [REDACTED] 1991) that Subject #1, while a visitor in Subject #2's laboratory, had "essentially repeated" her work and, along with Subjects #2 and #3, had submitted a manuscript for publication "making a major point of general significance [REDACTED] (and a main point in my analyses)...." The complainant believes that the subjects had "not been completely honest" about the nature of their interest in her work, had tried to take her finding "out from under her" before she had published it herself, and were trying to share credit for scientific advances that rightly belonged to her and her collaborators.

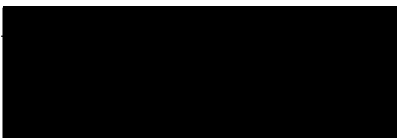
This case raised issues of intellectual theft from a proposal sent out for confidential peer review and of breaches of scientific norms regarding deference to intellectual priority.

The complainant did not allege intellectual theft, and the evidence would not, in any event, sustain such an allegation. She acknowledges that the subjects did independent work whose methodology and results were somewhat different from her own. While it is possible that Subject #1 got the basic idea for this work from the complainant's declined NSF proposal, it would not be possible to prove that this was the case. The complainant's

meeting presentation made her ideas public before the subjects began their research and could have led Subject #1 to initiate similar work. Subject #1 has a more extensive background in dealing with this [REDACTED] than does the complainant, and he could plausibly claim to have developed the research ideas as a logical extension of his previous work. The subjects' paper reporting their research acknowledges the work of the complainant and her collaborators, and the work of the two is sufficiently different that the same journal published their papers in close succession. Only at a very general level is the work of the two "the same."

The complainant's allegations about attempts to undermine her priority claims involve activities that, while perhaps more than violations of professional courtesy, do not constitute serious deviations from accepted practice. The subjects did not misrepresent either their own or the complainants' work, nor did they fail to acknowledge any documentable intellectual debts.

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



12/4/93

Staff Scientist, Oversight

Concurrence:

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cc: Signatories  
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