

## CLOSEOUT FOR M-94090028

On 8 September 1994, a program officer<sup>1</sup> brought a letter he had received from the first complainant<sup>2</sup> that contained an allegation of misconduct in science as well as a description of a scientific disagreement that was ultimately not considered by us to be an issue of misconduct in science. The first complainant alleged that the subject<sup>3</sup> breached the confidentiality of peer review when he used information and ideas that were original to the first complainant's NSF proposal<sup>4</sup> he had received for review. The subject had allegedly used this information in a co-authored publication<sup>5</sup> on which the subject was first of three authors. A second complainant<sup>6</sup> also brought an allegation against the subject to our attention. He alleged that the subject had plagiarized ideas (intellectual theft) and text in a manuscript<sup>7</sup> on which the subject was the first of five authors. The plagiarized ideas and text allegedly came from a published article.<sup>8</sup> The second complainant told us that he had discovered the plagiarism when he was asked by the journal to review the manuscript.

OIG contacted the first complainant who described the strong competition that existed between himself and the subject's research group and the resulting scientific disagreement. The first complainant explained that he had presented some of his ideas in public lectures before he submitted his NSF proposal containing these same ideas. He said that, although the subject attended these lectures, he suspected that the subject might have taken these ideas from his NSF proposal as an *ad hoc* reviewer. The first complainant also explained that the intent of his letter to the NSF program officer was to exclude the subject permanently as a reviewer of his future NSF proposals.

<sup>1</sup> [REDACTED] in the [REDACTED]

<sup>2</sup> The first complainant, [REDACTED] is with [REDACTED]

<sup>3</sup> The subject, [REDACTED] is a scientist with [REDACTED]

<sup>4</sup> NSF proposal [REDACTED] entitled [REDACTED] was submitted by the first complainant [REDACTED]

<sup>5</sup> [REDACTED]

<sup>6</sup> The second complainant is [REDACTED]

<sup>7</sup> Manuscript number [REDACTED] was authored by [REDACTED]

<sup>8</sup> The article, entitled [REDACTED] by [REDACTED] was published [REDACTED]

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NSF's computerized reviewer system file showed that the subject has never received any of the first complainant's proposals to review. In addition, the first complainant's statement, that he had presented the same information contained in his proposal at public lectures attended by the subject, indicated that the information was publicly available. OIG concluded that there was no substance to the allegation that the subject had breached the confidentiality of peer review.

According to the second complainant, the subject committed intellectual theft when he presented some ideas from the article in part of a paragraph in the manuscript without properly citing the published article. The second complainant explained that, as the first author of the manuscript and the actual expert in the field represented by the ideas, the subject's failure to cite the published article created the impression that the ideas were his and his co-authors'. The second complainant had noted in his written review of the manuscript that he thought that some of the information in the paragraph was a rehash of what was stated in another publication referenced by the subject in that same paragraph.

OIG reviewed the information available about the allegation of intellectual theft and determined that the references cited by the subject and his co-authors in the paragraph contained the ideas presented. OIG concluded that there was no substance to the allegation that the subject and his co-authors committed intellectual theft. In reviewing the alleged plagiarized text, OIG noted that the text was found in two separate phrases and that 1) fewer than 24 words appeared as substantially similar; 2) the phrases were expressed in a style common in this scientific field; and 3) the paragraph in which the substantially similar text appeared contained a citation to the article. Because of these reasons, we concluded that the allegation of verbatim plagiarism had no substance.

This case should be closed and no further action taken.

cc: Staff Scientist, Attorney, AIG Oversight, IG