

CLOSEOUT FOR M95030011

On March 9, 1995, Dr. [REDACTED], a program director for the [REDACTED] Program in the Division of [REDACTED] of NSF's Directorate for Engineering, notified OIG of an allegation of misconduct in science. The program director had received a letter from Dr. [REDACTED] (the complainant) of the Department of [REDACTED] at the [REDACTED]. In his letter, the complainant alleged that Dr. [REDACTED] of [REDACTED] (the subject) had reviewed a journal submission by the complainant¹ and then incorporated some of the complainant's research results into his own paper² without proper attribution. The complainant also noted similarities in "many sentences, words, [and] notations" between the subject's work and his own. The complainant further alleged that the subject copied or adapted two figures from the complainant's journal submission and incorporated them into his own paper without attribution. The complainant requested that the subject not be assigned to review the complainant's NSF proposal.

The complainant and the subject are former collaborators who, since ending their collaboration, have continued to work separately on issues closely related to those they studied in collaboration. When OIG wrote to the subject, the subject explained that he had independently derived the results reported in his paper, that his results were noticeably different from the complainant's, and that he had essentially completed his paper before he reviewed the complainant's journal submission. OIG consulted two NSF program officers knowledgeable about this field of research. Citing the preexisting similarities between the subject's and the complainant's research, they concluded that it would not be

¹The complainant's paper was entitled [REDACTED] and was published in the [REDACTED].

²The subject's paper, written in collaboration with [REDACTED] (the current collaborator), was entitled [REDACTED]. It was published in the [REDACTED]. OIG determined that the subject's paper acknowledged support from NSF.

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possible to establish that the subject's research results derived from the complainant's manuscript and not from the subject's independent work. OIG likewise concluded that, under the circumstances, similarities in wording and notations were not sufficiently remarkable to provide evidence of intellectual theft.

With regard to the alleged similarities between the figures in the two papers, OIG determined that these were too striking to be coincidental and that the subject should have cited the complainant's paper as a source for the figures. Although OIG concluded that omitting a citation in this instance was inappropriate, OIG determined that the omission, by itself, was not serious enough to be considered misconduct in science. We informed the subject that we were prepared to close this case without a finding of misconduct provided that he sent an acceptable letter to the editor of the journal that published his article noting that certain figures in his article were copied or adapted from the complainant's article. The subject has now done so. Because the subject elected to acknowledge his debt to the complainant's work, OIG did not need to address the hypothetical issue of whether persistent refusal to acknowledge this debt could be considered misconduct in science.

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