

## CLOSEOUT FOR M95060025

On June 2, 1995, OIG was informed of an allegation of intellectual theft stemming from an authorship dispute between two PIs, [REDACTED] (PI 1) and [REDACTED] (PI 2). PI 2 alleged that PI 1 had committed intellectual theft when he failed to comply with a condition of their divorce that promised her co-authorship on two papers that described the research of one of PI 1's former students. PI 1 and PI 2 were named PI and co-PI respectively on NSF award [REDACTED] entitled, "[REDACTED]". PI 1 was a senior faculty member in the Department of [REDACTED] at [REDACTED]. PI 2 was a Research Scientist at that institution. PI 2's position was supported by PI 1's grant funds.

In our review of the documents we learned that the two PIs had been married and over a 20-year period had formed a successful research partnership in which PI 1 was the senior partner and laboratory head. During their partnership PI 2 progressively evolved from a laboratory technician into a research scientist. PI 2 received a Ph.D. in 1988 and was generally responsible for running the laboratory. In 1991 the two were divorced. As part of a settlement dividing up laboratory space, areas of research, and their separate responsibilities on future proposals, they agreed on authorship on papers that might result from the dissertation of [REDACTED], PI 1's graduate student. PI 1 was to be named as a co-author on one paper and PI 2 was to be named as a co-author on a second paper.

We were informed of a number of unpleasant situations at the PIs' institution that occurred after the two PIs divorced and after the NSF award had closed. We concluded that none of these situations were related to the NSF award the two had received and were therefore not within our jurisdiction. The NSF award closed in 1990, the year before they divorced, and over 2 years before these situations developed.

The student, a native of another country, received her Ph.D. in 1989. In 1993, she returned to the United States to visit PI 1 and to write two manuscripts describing her dissertation work. The former student decided to name PI 1 as an author on both papers and not to include PI 2 as an author on the second paper even though PI 2 had been named as a co-author on previously published abstracts describing parts of this work. The student's decision led to the allegation of intellectual theft by PI 2 against PI 1. The dispute between the two PIs eventually led their department chairman to evaluate the issues and the situation, which he characterized as unprofessional. He concluded that because the student held the copyright on the material in her dissertation she could include or exclude whomever she wanted as an author on papers derived from it. The student told the chairman that she felt PI 1 intellectually contributed to her work and that her work was based on PI 1's prior work. The student described her work with PI 2 as colleagues sharing the same bench. She did not think

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her work derived from PI 2's prior work and did not believe that PI 2's contributions warranted authorship. The chairman said the student "expressed a desire to be left alone to do her work and not required to discuss the issue of co-authorship with either of you. I strongly suggest that both of you cease your attempts to discuss the issue with her; the decision is hers by right and further attempts to discuss it with her could be interpreted as harassment." The manuscripts were published in 1995 and PI 2 was not identified as a co-author. We noted that neither paper acknowledged NSF support.

In response to our request for information, PI 1 confirmed our independently derived conclusions about PI 2's role and position in his laboratory. He also said that he had "yielded to his wife's pressures" to be a co-author on all papers published by students she had assisted, a situation he said was less than satisfactory to him or to the students. He attributed his divorce, in part, to this situation. He provided a copy of a 1993 letter from the student that stated that she wanted him as her sole co-author.

He said he had failed to acknowledge NSF support because the papers were published long after the award was closed, and from the review comments on a subsequently submitted and declined NSF proposal he concluded that NSF "believed [his] work to be unworthy of pursuance." He said that work on the draft manuscript relied heavily on another federal agency's support. OIG informed him that acknowledgment of NSF support is not optional. A poor review on a proposal or the use of another agency's funds are not reasons for failing to acknowledge NSF's contribution to the project.

OIG concluded that the former student's decision to name her advisor, PI 1, as her sole co-author on papers describing results from her dissertation work was reasonable. Similarly her decision not to name PI 2 as an author on those papers was also reasonable given her description of PI 2's contribution to her project. The student's description was supported by materials found in the NSF grant proposal, and statements by both PIs. PI 1's and PI 2's settlement that allocated authorship on the former student's papers had failed to take into account the student's opinions.

OIG concluded there was insufficient substance to pursue further the allegation that PI 1 had committed intellectual theft when his former student decided, despite the settlement agreement between the two PIs, not to name PI 2 as a co-author on a paper describing her dissertation research. OIG reminded PI 1 to ensure that NSF is acknowledged in papers describing research supported in whole or in part by NSF. OIG has closed this inquiry and will take no further action in this case.

cc: Staff Scientist, Deputy AIG-Oversight, AIG-Oversight, IG