

CLOSEOUT FOR M95100041

This case was brought to OIG by Dr. [REDACTED] a program director in the Division of [REDACTED]. He alerted OIG to an allegation of misconduct in science made by Dr. [REDACTED]¹ (the reviewer) in his written review of a proposal² declined by the [REDACTED] program. The reviewer noted that the PI and two co-PIs (the subjects³) proposed an experiment examining the effects of certain experimental treatments on the interactions between two species growing together in a single garden, and that another researcher, [REDACTED], had previously reported results of a similar experiment using the same species in her 1987 Ph.D. dissertation.⁴ The dissertation had been completed at the same department where two of the subjects are faculty members; the third subject is in another department at the same institution. Accordingly, the reviewer thought that they would be aware of the dissertation. The reviewer also mentioned that the subjects' proposal had certain methodology in common with a declined NSF proposal⁵ submitted by the other researcher five months before the subjects submitted their proposal. The reviewer, a faculty member affiliated with the other researcher's current institution, had reviewed the other researcher's proposal before it was submitted to NSF. The reviewer was disturbed by the degree of similarity of the subjects' proposal to work done or proposed by the other researcher, without any mention of her work.

To inquire into this allegation of intellectual theft and failure to cite, OIG examined the other researcher's proposal and dissertation, and compared them with the subjects' proposal. The subjects were clearly familiar with the other researcher's proposal; the other researcher had included a letter of support from two of the subjects in her application. Both the subjects' proposal and the other researcher's dissertation and proposal involved similar experimental treatments of the species grown together. The other researcher changed these variables one at a time, but the subjects' experiments were to manipulate these and other variables in combination, evaluating their relative importance statistically. The subjects' proposal also differs from the other researcher's dissertation in its hypothesis that certain conditions influence competition between the species being studied. By contrast, the other researcher's dissertation concludes that one of the conditions does not exacerbate competition between these species.

The observation that interspecies competition may be affected by manipulating certain physical conditions is by no means a new one. Although the experimental

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measurements and manipulations have become more sophisticated, our review of the literature showed that this general type of experiment dates back over one hundred years. In her dissertation, the other researcher cites references examining the effect of these conditions on interspecies competition dating from the 1950's. Moreover, the subjects' proposal cites observational studies dating from the 1940's of the effects of these conditions on interspecies competition between the same species worked on by both the subjects and the other researcher. Finally, the other researcher cites references dated from 1978 to 1986 to certain methodology noted by the reviewer in the subjects' declined proposal as well as the other researcher's; the other researcher states that such methodology has been used extensively in the past.

Both the grant histories and publication records of the subjects show that they did not newly undertake research on these species with the submission of their 1994 proposal. Rather, these individuals were well established in this field, in one case for approximately two decades, long before the other researcher began her research.

Although there is considerable overlap in the general approach taken by the other researcher and the subjects, the approach taken by both groups is historically well established and by no means unique to the other researcher or originated with her. It is not surprising that two groups working in highly related areas proposed similar or overlapping research. The subjects have more than sufficient background to have proposed their research independently, and we conclude that the subjects' proposal did not derive from the other researcher's work.

We also conclude that the subjects did not commit misconduct in science by failing to cite the other researcher's proposal or dissertation, even though both were relevant to the subjects' proposal. There is no evidence that the subjects appropriated words, nor do the ideas derive directly from the other researcher's dissertation or proposal. Assuming that the subjects were aware of the dissertation, it would have been appropriate to cite it. However, given the existence of many other sources which they could cite, including their own publications, we conclude that if they decided not to cite a seven-year old dissertation that would not be widely available, that would not be unreasonable; nor would it have been unreasonable to decide not to cite a confidential declined proposal.

From the foregoing analysis, we concluded that the allegations of misconduct in science did not have substance and no further inquiry was needed.

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

cc: Assistant Counsel to the IG, Deputy AIG-Oversight, AIG-Oversight, IG