# CLOSEOUT FOR M96090029

The complainant[1] received from a scientific journal for publication review a manuscript[2] (the manuscript) that reported work that was similar to preliminary results discussed in an NSF proposal[3] (the proposal). The complainant was concerned about the possibility that the subject,[4] the manuscript's first author, may have reviewed the NSF proposal and then decided to work on the research problem.

Both the manuscript and the proposal describe a series of experiments using similar techniques; both documents drew similar conclusions from the data discussed. We determined that NSF had mailed the subject a copy of the proposal for peer review, but had not received a proposal review from the subject.

At our request, a knowledgeable, independent scientist assessed the degree of similarity between the ideas presented in the manuscript and the proposal.[5] That scientist said, "[s]ince both [the complainant] and [the subject] have developed [these] methods and have worked in the area for years, it is not surprising that they would use the same methodology."[6] The scientist noted that although this type of experiment was not uncommon and the subject had previously published these specific types of measurements, the subject and the complainant had worked with the technique in different subfields of their discipline.[7] The scientist also noted that, in a discussion of preliminary results in the proposal, the complainant had "anticipated" the manuscript's conclusion that the "previously reported" value of a parameter "is in error."[8] "While the experimental results could have made [the anomalous value of the parameter] an obvious topic to discuss, it is also not difficult to speculate that the discussion might have been more limited had not interest in this point been invited by" the discussion in the complainant's proposal.[9]

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1 [redacted]

2 [redacted]

3 [redacted] entitled [redacted] The PI was [redacted]

4 [redacted]

5 Memorandum from [redacted] to Assistant Counsel to the Inspector General, OIG, NSF [redacted]

6 *Id.*

7 *Id.*

8 *Id.*

9 *Id.*

We informed the subject that we had received allegations of misconduct in science against the subject, specifically, allegations of intellectual theft and violation of confidential peer review. We asked the subject to explain and date the origin of the subject's interest in the specific research problem and to explain the manuscript's focus on the anomalous behavior of the parameter. In his response to us, the subject (1) asserted that he had never read the proposal before receiving it from OIG in connection with this inquiry, (2) provided documents purportedly establishing his interest in the specific research problem prior to the date NSF mailed the subject the proposal for review, and (3) explained the manuscript's discussion of the parameter as "address[ing] a series of obvious and apparent scientific issues that fall right out of the analysis."

The subject's assertion that the subject had not read the proposal before receiving it from OIG is credible. The NSF jacket for the proposal does not contain a review from the subject. The subject told us that the subject had "no recollection of reading" the proposal prior to receiving it from us. The subject noted that because the proposal discussed one of the subject's published papers, the subject "would have remembered." The subject also said that the subject's own records contained no evidence of a review for the proposal during the relevant year and provided us with a list, compiled from the subject's own records, of four other NSF proposals the subject had reviewed during that year. The NSF reviewer database identifies six proposals from the relevant year that were sent to the subject for review, in addition to the complainant's proposal: according to the database, NSF received reviews from the subject for four of these proposals—the same four proposals identified by the subject.

Enclosed with the subject's response was a copy of a paper, authored by one of the subject's graduate students and the subject, that was published about 3 years earlier than the proposal. The subject told us that the subject's investigation of the specific research problem using the methodology described in that paper began well before the date that NSF mailed the subject a copy of the proposal for review. The subject provided us with copies of pages from laboratory notebooks recording two experiments performed by an undergraduate, a co-author on the subject's manuscript, 4 months and 2 months prior to the date that NSF mailed the subject a copy of the proposal for review. We have no reason to doubt the validity of these documents, which demonstrate the subject's active interest in the specific research problem prior to the date that NSF mailed the subject a copy of the proposal for review.

Finally, the subject adequately supported the contention, which had been recognized as a possibility by the knowledgeable, independent scientist, that the discussion of the parameter in the manuscript addresses an obvious scientific issue. The subject stated that the parameter was needed by the subject in "standard

'training/testing'" and that any observed anomalous behavior should be addressed in a scientific analysis. The subject explained:

> [W]hat we did was to take literature data and plot it according to a method in the paper we cite. When we looked at the plot, we felt the literature data, fit by a smooth curve showed the value [of the parameter] was off. . . .
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> . . . Because we are 'rejecting' just one of the . . . data points from the literature, we also go through an error analysis to show what impact that rejection has on the ultimate value we derive.

We conclude that there is no substance to these allegations and close this inquiry.

cc: IG, AIGO