

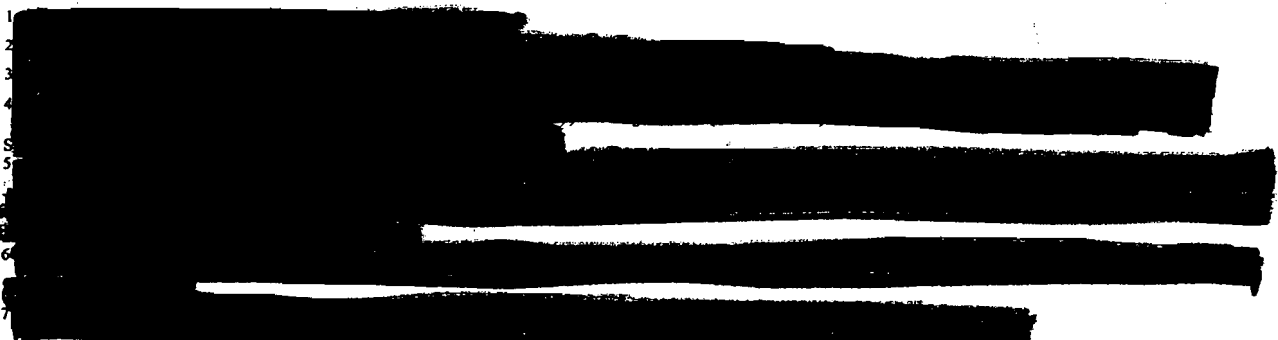
This case was opened after receiving a letter from a university¹ that included allegations of misconduct in science against a professor² (Subject 1) and a graduate student³ (Subject 2) who, although they were working together, were affiliated with different universities. The complainant alleged that the subjects stole ideas and data while working collaboratively with a research team⁴ (Team A). The complainant suggested that the subjects used this information to further the efforts of another research team⁵ (Team B) that the subjects were involved with, allowing them to publish their results⁶ before Team A. Specifically, the complainant made four allegations against the subjects: (1) plagiarism, (2) abuse of confidentiality, (3) property violation, and (4) failure to report observed major offenses.

The subjects' universities prepared two separate inquiry reports. Neither inquiry committee found that the allegations were of substance. Subject 1's university saw no reason to carry out an investigation after determining that Team A never established an open collaboration with Subject 1. They also determined that if Subject 1 had disclosed information about his work with Team B to Team A, that it would have "violated the trust placed in" Subject 1 by Team B. Therefore, they determined that Subject 1 was not obligated to reveal information about the ongoing research of Team B to Team A. Subject 2's university made similar findings, but also noted that his involvement in these matters was derived from his work with Subject 1.

OIG Analysis

From the evidence provided, we concluded that the subjects provided technical support to both Team A and Team B. The teams shared similar research goals,⁷ but were applying very different methodologies to obtain their results. The subjects were assisting both teams in the verifying final research results. The collaboration between Subject 1 and Team B was established in 1990 and resulted in several publications on their findings. Team A contended that a collaborative relationship existed with the subjects; the subjects disagree. After reviewing correspondence

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between Subject 1 and members of Team A, we determined that a collaborative relationship was established for the limited purpose of completing certain verification analyses and to provide training to several of Team A's members.

Allegation #1: Plagiarism. It was alleged that the subjects published with Team B a paper with "strikingly similar information" to the research findings later published by Team A, and therefore, that the subjects inappropriately used text or ideas from Team A. After evaluating the timing of the research efforts and manuscript preparation, and the expertise of the two teams, we determined that the allegation of plagiarism was unsupported.⁸

Allegation #2: Breach of confidentiality. The complainant stated that they had an "expectation of confidentiality" that was breached. As described above, the timing of the research findings and draft manuscript do not support the allegation that a confidential relationship was breached. Secondly, there are few, if any, defined norms about establishing or maintaining confidentiality in collaborations. Without a written or oral agreement about confidentiality, it is unclear that the parties would all have the same "expectation." In a letter provided by the complainants, Team A negotiated a confidentiality agreement with another collaborator. It is unclear why they did not execute such an agreement with the subjects.

With regard to disclosure, the subjects were not obligated to inform Team A of their ongoing research with Team B. Team B is well published in this area and subject 1 was a co-author on several related papers. As a professional courtesy, it may have been better if the subjects had disclosed general information about their ongoing similar research, especially in light of the admitted "race to publish" these results.

Allegation #3: Property violation. The complainant alleged that the subjects gained unauthorized access to their data and/or research results. Team A gave the subjects certain research material with no explicit restrictions on its use. Team B's research findings were completed prior to the subjects' possession of these materials; therefore, it is clear that they did not use Team A's materials in their research with Team B. There is, therefore, no substance to this allegation.

Allegation #4: Failure to report major violations. The complainant alleged that the subjects, as individuals, have a responsibility to report unethical actions and that they violated this responsibility by not reporting the alleged acts (allegations 1-3). The complainant alleged that the subjects, as individuals, have a responsibility to report unethical actions and that they violated this responsibility by not reporting the alleged acts (allegations 1-3). Because we found no substance to the underlying allegations of misconduct in science, we do not need to determine in this case whether one's failure to report one's own acts of misconduct in science can ever constitute an independent act of misconduct in science.

⁸Team B's research was initiated in 1992; their initial findings were completed in January 1997; and the initial draft of their manuscript was completed two weeks before the visit by a member of Team A to the subject's laboratory. Team B was experienced in all aspects of their research, therefore, it was unlikely that they would need Team A's research results to complete their results.

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Conclusion

We conclude that there is not substance to the allegation. We sent a letter to the subjects urging them to disclose proposed and current collaborations or overlaps between their various projects to their collaborators. No further action will be taken in this case; this inquiry is closed.

cc: Integrity, IG