

CLOSEOUT FOR M98080024

This case came to OIG on August 28, 1998, when Dr. [REDACTED] the [REDACTED] at the [REDACTED] (the complainant), informed OIG of a dispute between him and three other researchers. The researchers were Dr. [REDACTED] (the first subject) of the [REDACTED], Dr. [REDACTED] (the second subject), also of the [REDACTED], and Dr. [REDACTED] (the third subject) of the [REDACTED]. The complainant supplied OIG with information suggesting that a paper¹ written by the subjects and published in the [REDACTED] (the journal) might have benefited from improper use of a manuscript written by the complainant. The subjects' paper acknowledged support from NSF award [REDACTED].²

The subjects had submitted a version of their paper to the journal for review. The complainant reviewed the paper. In his review, he noted an error in a mathematical proof that was an important component of the paper. The journal declined to publish the paper as submitted and sent the first subject anonymous copies of three peer evaluations of the paper, including the complainant's evaluation. At about the same time, the complainant informed the subjects that he had reviewed their paper and sent them a manuscript³ that purported to solve the mathematical problem that their paper had addressed. The subjects then sent the journal a revised version of their original manuscript. The revision included a new mathematical proof. The subjects' revised manuscript did not acknowledge the manuscript that the complainant sent as a source of any of its ideas.

OIG wrote to the subjects, noting certain similarities between their revised paper and the complainant's manuscript and asking what use, if any, the subjects made of the manuscript that the complainant sent them. The subjects replied that they had benefited from the

¹ [REDACTED] and [REDACTED] "[REDACTED]" [REDACTED]

² This award is entitled "[REDACTED]." Dr. [REDACTED] is the PI. None of the subjects is listed as a PI or co-PI for this award.

³ This manuscript was subsequently published as [REDACTED] and [REDACTED] "[REDACTED]" [REDACTED]

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criticisms in the complainant's review in devising a new mathematical proof but that, though they had read the manuscript the complainant sent them, they had not used it in revising their own paper.

The first subject, upon receiving OIG's letter, referred the matter to the official at his university who handles misconduct in science allegations. Acting in accordance with the university's misconduct procedures, that official arranged for the relevant evidence in this case, including materials prepared by both the subjects and the complainant, to be examined by the chair of the first subject's department and three other faculty members at his university who possessed relevant scientific expertise. None of these three faculty members had affiliations with either the subjects or the complainant that might ordinarily bias their judgments of this matter. After reviewing the evidence, none of the faculty members found any reason to doubt the subjects' account of their revision of their paper, nor any reason to infer that the subjects made inappropriate or unacknowledged use of the manuscript the complainant sent. Earlier, on the basis of more limited evidence, the editor of the journal that published the subjects' paper had reached a similar conclusion.

OIG concluded that the subjects' account of the revision of their paper was credible and that there was no evidence to contradict it. We therefore concluded that there was no substance to the allegation that the subjects had committed misconduct in science by making a seriously inappropriate or unacknowledged use of the manuscript that the complainant sent them.

In the course of this case, we received allegations that certain of the complainant's actions were themselves improper. OIG lacked jurisdiction over these actions, none of which occurred in the course of "proposing, carrying out, or reporting on activities funded by NSF" (45 C.F.R. § 689.1(a)(1)). Because of this, we did not inquire into these allegations.

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