

CLOSEOUT FOR M99010001

This case came to OIG on January 12, 1999, when the Director of Constituent Services¹ in the office of a U.S. Senator² sent us a message concerning the complainant,³ a graduate student in the school⁴ at the university.⁵ The complainant alleged that the first and second subjects,⁶ both faculty members at the school, had committed intellectual theft by misappropriating ideas that the complainant had developed independently of the subjects and incorporating those ideas into their papers and proposals. He also alleged that they had harassed him in various ways. The complainant further alleged that the third subject,⁷ a graduate student colleague of his at the school, in addition to engaging in intellectual theft and general harassment in concert with the first subject, had broken into the complainant's computer files and field journal notes and had harassed the complainant sexually. The complainant also alleged that, after the first two subjects had given other scientists at other universities access to the complainant's ideas, these other scientists had used the ideas in their NSF-supported publications without appropriately attributing the ideas to the complainant.⁸

During the period when the alleged misconduct occurred, NSF supported the first subject's research.⁹ The complainant's allegations of intellectual theft by the first subject concerned publications that benefited from NSF's support.¹⁰ The first subject was also PI for

¹ [REDACTED]

² Senator [REDACTED]

³ Mr. [REDACTED]

⁴ The School of [REDACTED]

⁵ [REDACTED]

⁶ Dr. [REDACTED] and Dr. [REDACTED]

⁷ Mr. [REDACTED]

⁸ The complainant alleged that the following publications misappropriated his ideas without appropriate attribution: [REDACTED] and [REDACTED], "[REDACTED]" (1999); [REDACTED] and [REDACTED], "[REDACTED]" (1999); [REDACTED], "[REDACTED]" 1999, and [REDACTED], and [REDACTED], "[REDACTED]" (1999).

⁹ He was PI on [REDACTED] (the first award), entitled "[REDACTED]" He was also PI on [REDACTED] (the second award), entitled "[REDACTED]" [REDACTED] was the co-PI for this award.

¹⁰ The first subject's paper, "[REDACTED]" (April 1998), acknowledges support from the first award. The

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an award that supported the third subject's dissertation research.¹¹ This award was made after the complainant made his allegations at the school.

The second subject was PI on two NSF awards during the period when the alleged misconduct occurred.¹² However, with the exception of a paper cited in footnote 8, the papers in which the second subject allegedly perpetrated his intellectual thefts did not acknowledge support from the second subject's NSF awards, and there is no evidence that OIG has jurisdiction over the second subject's alleged misconduct in these papers. The complainant's allegations concerning these papers were considered by an inquiry committee at the university, which found that they lacked substance.

In addition to the complainant's allegations of intellectual theft in specific papers, the complainant expressed concern that the first two subjects had submitted proposals to NSF that misappropriated the complainant's ideas.

The subjects' university conducted an inquiry into the alleged intellectual thefts by the subjects, the allegations of harassment of the complainant (including the alleged unauthorized access to his computer files and field notes), and the third subject's alleged sexual harassment.¹³ The inquiry committee received written assistance from an expert outside the university to help it evaluate the allegations of intellectual theft. On the basis of the inquiry report, the university concluded that the complainant's allegations lacked sufficient substance to warrant investigation.¹⁴

OIG analyzed the written materials supplied by the complainant to state and document his complaint; reviewed the university's inquiry report and certain supporting materials; and

first subject's paper, "[REDACTED]" (1997), acknowledges support from the second award.

¹¹ The award is [REDACTED], entitled "[REDACTED]". It lists the third subject as the co-PI.

¹² These were [REDACTED], an award to the [REDACTED], entitled "[REDACTED]" and [REDACTED], entitled "[REDACTED]".

¹³ The subject's university provided evidence to OIG that it handled the alleged sexual harassment in keeping with accepted procedures for addressing alleged unwanted sexual advances in the work place. Although the complainant alleged that the university did not address this allegation thoroughly and effectively, OIG saw no reason to reconsider this issue.

¹⁴ The university's policy on misconduct in science does not permit the complainant to have access to the inquiry report. The university sent the complainant a letter summarizing the inquiry's findings. On the basis of statements in the letter, the complainant criticized the accuracy and thoroughness of the report. OIG's examination of the university report indicated that the report was substantially accurate in its characterization of the allegations and that the committee considered sufficient evidence to draw a reasonable conclusion concerning them. However, although OIG used evidence contained in the university's report in reaching its own conclusions, those conclusions in this case are independent of any conclusions that the university committee reached and do not rest on the authority of the committee's judgments.

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analyzed the proposals the subjects submitted to NSF on topics generally related to the complainant's work to assess whether they contained evidence of intellectual theft.

Many (although not all) of the ideas that the complainant believes are distinctively his are contained in a paper he published with himself as first author and the first subject as fourth author.¹⁵ OIG concluded that the first subject's authorship of this paper, combined with his history of working on related ideas, made it impossible to consider the first subject's use of ideas akin to those in this paper to be misconduct in science.

The complainant and the third subject were students of the first subject. The complainant aired many of his ideas in written work submitted to the first subject for comment and critique and in discussions with the first and third subjects of common and related research interests. Scientists ordinarily share ideas with teachers and colleagues and build on the ideas of other members of their research groups. OIG neither disputes nor endorses the complainant's contention that the first and third subjects in this case were influenced by ideas first suggested to them by the complainant. However, OIG concluded that there was no evidence of an unacknowledged influence so striking and decisive that either subject's use of ideas suggested by the complainant might constitute misconduct in science. The university inquiry reached a similar conclusion.

The complainant believes his ideas are revolutionary and constitute a "breakthrough" in their field. In OIG's judgment, there is no radical discontinuity in any of the subjects' research programs that can be attributed to the influence of ideas that the complainant allegedly developed. Similarly, in none of the subjects' papers or proposals do the subjects represent themselves as introducing ideas that have the significance the complainant attributes to the ideas the subjects allegedly misappropriated. OIG concluded that the subjects had not misappropriated any of the complainant's ideas in a way that would prevent the complainant from getting credit for achieving the major breakthroughs that the complainant believes he has made. The university inquiry reached a similar conclusion.

The complainant alleges that the first two subjects harassed him in that they were unfairly unsupportive or discouraging to him when he presented novel and promising ideas. The complainant alleges that the subjects' use of the complainant's ideas indicates that their criticisms were disingenuous. OIG concluded that there was no evidence in the written record that the criticisms made by the first two subjects were disingenuous, despite the complainant's allegation to the contrary. We further concluded that any uses the subjects may have made of ideas the complainant considers to be his were entirely consistent with the subjects' criticisms of the complainant's work. The university's inquiry committee, which interviewed the subjects, reached a similar conclusion. OIG concluded that the alleged mistreatment of the complainant, even if true, would in this case not rise to the level of misconduct in science.¹

¹⁵ [REDACTED] and [REDACTED] (1996).

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The university inquiry considered the complainant's allegation that the third subject had broken into his computer files and field journal notes. The third subject denied this allegation, and the university found no physical evidence to support it. OIG concluded that there was insufficient substance to this allegation to warrant further investigation.

OIG's examination of the subjects' proposals indicated that, if any of the subjects had misappropriated the complainant's ideas, he had not done so in a way that could be considered a serious deviation from accepted practices.

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