

CLOSEOUT FOR M93020009

This case was brought to the attention of OIG by a February 21, 1993 letter from Dr. [REDACTED] of [REDACTED] (the complainant). He alleged that Drs. [REDACTED] (Subject #1) of [REDACTED] and [REDACTED] (Subject #2) of the [REDACTED] falsified data in studies that purported to shed new and important light on contested scientific issues.¹

OIG's inquiry determined that the subjects made significant, initially unreported alterations to their raw data. The alterations were revealed when other scientists acquired portions of the raw data and found discrepancies between those data and the published work. Both the subjects and other scientists knowledgeable in this area of research have stated publicly that these alterations should have been reported in the papers in which the subjects initially described their research results; OIG is not aware of any public statements disputing this view. Arguably, the subjects' failure to report their data alterations might be considered data falsification. Subject #1 stated in an NSF proposal written after the alterations became known that his actions were "entirely devoid of intent to deceive," but there are allegations that the data alterations were made inconsistently and in ways that strengthened the case for the subjects' scientific conclusions.

Many of the events in this case predate NSF's misconduct regulation. Although OIG believes that its authority to investigate misconduct in science in connection with NSF proposals and awards derives from the agency's general mandate and predates the misconduct regulation, no authoritative decision-maker has

¹This work was supported by NSF ([REDACTED], entitled [REDACTED], " [REDACTED] and [REDACTED], entitled "[REDACTED]"). The subjects published their data in "[REDACTED] ([REDACTED] [1984] [REDACTED]; [REDACTED] [REDACTED] [1987] [REDACTED] [REDACTED]); and [REDACTED] [REDACTED] 1990).

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ruled on this issue.² In this context, we decided that this was an unusually inauspicious case to pursue in consideration of the following factors: (1) this matter has been extensively discussed in the scientific literature and the subjects already bear the stigma they suffered from the adverse publicity to which they have been subject in the scientific community; (2) the events in question took place between five and ten years before they were brought to our attention; (3) because many experts in the field have already taken public positions on the scientific controversies involved in the case, we would find it almost impossible to find knowledgeable scientists without the appearance of bias to make a judgment on the misconduct issue; and (4) the scientific community is aware that the data and analyses in the subjects' work are suspect and already possesses considerable information about the data's limitations (so an investigation is not needed to alert future researchers to these limitations or clarify to what degree the data can be relied upon).

If OIG believed that an investigation would have led to an authoritative judgment that genuinely resolved for the scientific community the issues of (1) whether the subjects' failure to report the data alterations was a serious deviation from accepted practice and (2) whether the pattern of alterations substantiates the claim that they were made without any culpable intent, we would have been more inclined to proceed with this case, despite the considerations listed in the preceding paragraph.

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

cc: Acting Deputy Assistant Inspector General, Oversight;
Assistant Inspector General, Oversight; IG

²In an analogous situation, the Department of Health and Human Services' Departmental Appeals Board determined that the Public Health Service (PHS) could take action regarding acts of misconduct that predated the publication of PHS's definition of misconduct in science. In re Sharma, DAB Decision No. 1431 (Aug. 6, 1993).