

CLOSEOUT FOR M94040013

This case came to OIG on April 2, 1994, when we received a letter from [REDACTED] (the complainant), then a member of the [REDACTED] at [REDACTED]. The complainant expressed concern about the refusal of [REDACTED] (Subject #1) and [REDACTED] (Subject #2) to share data collected under NSF grant [REDACTED], entitled [REDACTED]. " The complainant also voiced fears that the subjects would fabricate data. Subject #1, who recently retired from the [REDACTED], was the principal investigator on this grant. Subject #2, formerly of the [REDACTED] and currently at the [REDACTED], was co-principal investigator. [REDACTED] (the collaborator) was a co-experimenter on the grant.

At various times, the subjects, their assistants, and the collaborator supplied the complainant with copies of the subjects' data. The complainant published an article based on these data. In a rejoinder to the article, the collaborator announced to the scholarly community that copies of the data were available for purchase. The subjects then directed the collaborator to deny the scientific community further access to the data and to attempt to recall copies of the data from scientists who had already purchased them from him.

OIG determined that the subjects' actions violated a promise the subjects made in their proposal that their data would be made "readily available for scholars throughout the world." We further determined that their actions violated NSF's policy on openness in scientific communication. NSF policy, unanimously adopted by the National Science Board, explicitly recognizes the importance the community attaches to openness by "expect[ing] investigators to share with other researchers, . . . within a reasonable time, the data . . . gathered in the course of the[ir] work" (Grant Proposal Guide, NSF 94-2, page 21). We concluded that, by any reasonable interpretation, this policy would mandate that fifteen years after the PIs collected data under an NSF award they ought to make the data readily available to other scholars.

OIG recommended to NSF that it take action to ensure that the subjects' data were publicly available and that researchers other than the original PIs were free to publish analyses of them. The NSF division that currently funds research in the subjects'

discipline sent the subjects a letter asking that they make their data available to other scientists. In his response, Subject #1 agreed to make the data available and explained how he proposed to do so. NSF management considered Subject #1's response satisfactory and has no plans to take further action. OIG decided that the subjects' earlier reluctance to share their data did not, as such, rise to the level of misconduct.

The complainant is involved in an ongoing scientific dispute with the subjects over the interpretation of aspects of their data. He expressed fear to OIG that the subjects will falsify their data to make them conform to the subjects' scientific hypotheses. The complainant provided no evidence, however, that the subjects had falsified their data. OIG concluded that the subjects' actions in attempting to withhold the data, though not justifiable, were fully explainable by their stated desire to publish the results of a large project that had consumed a considerable percentage of their professional lives before others had a chance to report on the data that the subjects had collected. The sheer fact that a scientist might have a motive to falsify data does not, by itself, give substance to an allegation of falsification.

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