

CLOSEOUT FOR M94040017

On 25 April 1994, Dr. [REDACTED] a scientist/investigator in the Office of Research Integrity (ORI) within the Public Health Service (PHS), provided OIG with material ORI had received from Dr. [REDACTED] the complainant. ORI had reviewed these materials and determined that it did not have jurisdiction over this case because no PHS funds were involved.

OIG reviewed the materials and learned that the complainant, then a faculty member in the Department of [REDACTED] at the University [REDACTED] had sent a letter to the chairman of the Member Conduct Committee of the [REDACTED] (the Society). In his letter the complainant described two allegations. First, he alleged that Drs. [REDACTED] and [REDACTED] (subjects 1 and 2, respectively), members of the Department of [REDACTED] at the University [REDACTED] had failed to credit his contributions to their 1992 paper. Second, he alleged that subject 2 had "failed to avoid injuring [his] reputation" when the subject had characterized as "suspect" an equation published in a 1985 paper by the complainant. OIG determined that NSF did have jurisdiction over this case because subject 2 was the PI on [REDACTED] "[REDACTED]" which provided support for the work about which the complainant had made his allegations. The Society's Committee did not investigate the first allegation because the subjects' published paper was more than two years old. The Society's rules state that it will only consider complaints filed within two years of the alleged bad conduct. The Committee concluded that the materials provided by the complainant supporting his second allegation did not provide "sufficient justification for the initiation of proceedings."

Allegation 1 concerns two papers published by the subjects. The first paper was published in 1991 although the original manuscript was sent to reviewers in 1988. The first revision was sent to reviewers in 1989, and the final version was sent in 1990. The complainant reviewed and commented on all three drafts. He consistently and strongly urged the authors to include additional citations to his own work and to clarify that the subjects' work relied heavily on his work. In response, the authors added additional citations to the complainant's papers in the text and included more of these papers in the bibliography. In his final critique, the complainant suggested that they delete an entire section of their paper and simply cite his earlier work. The authors did not delete the section in the published paper.

The authors' second paper, published in 1992, was a follow-on to the 1991 paper. It stated that while the general principle being tested was from another researcher's work, it was the complainant's work that first practically employed the principle. The complainant alleged that the subjects failed, in their second paper, to cite his contributions, as a reviewer, to their 1991 paper. He believed that without acknowledging his contributions to the first paper, readers of the second paper would come to the incorrect conclusion that the authors originally developed a formula that he had developed. OIG found that the authors' second paper contains references to two of the complainant's papers, numerous citations to those papers in the text, a clear statement about the

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complainant's work, and several citations to their 1991 paper which also contains multiple references to the complainant's papers.

As described by the circumstances of this case, it is well within the standard practice of the community for the subjects to have published a paper that provided citations to the complainant's prior work and then in a new paper to cite their prior paper as the basis for the work described in the new paper. Generally authors are not required to acknowledge the contributions of anonymous reviewers to their final published work. In this case, the authors' citation and acknowledgment practices were well within the community norms and are not serious deviations from accepted practice. OIG determined that there was no substance to this allegation.

In allegation two, the complainant alleged that subject 2 co-authored a 1993 correspondence paper that "pointed out" an "error" in a final equation found in a paper by the complainant and that cautioned that the final equation's validity had not been proven under other conditions. The complainant alleged that subject 2 had relied on this final equation in paper 2 and should therefore have included cautions about his own work as well. By failing to state this, the subject had damaged the complainant's reputation. However, OIG and an NSF expert reviewed the subject's paper and found that it stated that an "error" had been found in a formula used to derive the complainant's final equation. This error was counterbalanced by a subsequent erroneous assumption and the final equation, although based on two errors, had been shown to be correct under certain conditions. The final equation used by the subject in paper 2 was one that was derived AFTER the counterbalancing errors were made and therefore was defensible. This is not an issue of misconduct in science. Scientists are free to criticize each other's work. The subject has done so in a scientific journal and carefully qualified his criticisms of the complainant's work. The complainant is free to refute the subject's assertions in a subsequent paper.

OIG and the NSF expert concluded that there was no substance to this allegation.

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

cc: Staff Scientist, Deputy AIG-Oversight, AIG-Oversight, IG