

NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A13120098

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A University¹ notified us it had formed an Inquiry Committee (IC) to conduct an Inquiry into allegations of plagiarism and selective reporting of data (falsification); it concluded an Investigation was not warranted. The complainants² (faculty members) stated they assigned the subject³ (a graduate student in their group) to work on an idea and they provided input into that project, although this is disputed by the subject, who claims he worked independently on the idea. Not disputed is that the subject wrote the initial draft manuscript of his work on the idea (version 1) and subsequent discussions with the complainants led to three additional drafts (versions 2-4). All draft manuscripts name the subject and complainants as co-authors. Also undisputed is the fact that the complainants found what they consider flaws in work, so the manuscript was never submitted for publication. After graduation, the subject published a version of this research as a sole author and did not acknowledge the complainants. According to the complainants, because they assigned the subject the initial research and made contributions to the additional drafts on which they are listed as co-authors, they contend all drafts contain their intellectual contribution. Thus, they alleged the subject plagiarized by not including them as authors, and the subject selectively reported the data because his paper omitted disclosure of what they considered substantial flaws. The complainants also noted the subject's paper did not acknowledge NSF as providing funding for the research.

With regard to the plagiarism allegation, the subject claimed he performed the work discussed in version 1 on his own—prior to the complainant's input, and hence, prior to any NSF support for the project. In their response to the IC report, the complainants convincingly argue a figure in the published paper is more similar to version 4 than version 1. Based on the figure and an email in which the subject acknowledges discussion with one of the complainants, we conclude it is more likely than not that the complainants had some unacknowledged intellectual effort in the published paper. Since NSF's definition of plagiarism requires "appropriate credit" be given,⁴ and the complainants received no credit, we conclude the subject's act meets the definition of plagiarism.

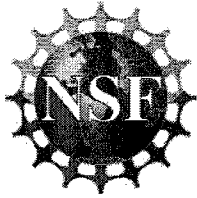
In this case, the complainants did not want to be co-authors of the paper, even if it

1 [REDACTED]

2 [REDACTED]

3 [REDACTED] was the graduate student of [REDACTED], who was funded by NSF.

⁴ 45 CFR § 689.1(a)(3)



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contained their intellectual contributions, because of the perceived flaws. However, it seems unreasonable that they could prohibit the publication by the subject indefinitely (the University's policy allowed them to prohibit publication while he was a student at the University), and guidance from a professional society⁵ suggests it would be inappropriate for the complainants to be co-authors. Thus, under the circumstances, we conclude appropriate credit would be an acknowledgment. We conclude, however, this deprivation of acknowledgment is not a significant departure from accepted community standards, so this does not rise to the level of research misconduct.⁶

Regarding the selective reporting of data (falsification⁷), the complainants and subject disagree about the perceived flaws in the work. Specifically, the subject believes the problematic issue can be considered peripheral, while the complainants do not. The paper went through peer review without that issue being considered a flaw. Thus, the IC concluded this was a difference of scientific opinion. Both the subject and the IC believe the best recourse for the complainants, if they continue to believe the flaw is significant, would be to publish a Comment. We concur.⁸

Finally, regarding the acknowledgment of NSF, we conclude a single instance of failure to acknowledge NSF is not research misconduct.

To summarize, we concluded there is insufficient evidence supporting allegations that the subject committed research misconduct. We conclude the subject's act did meet the definition of plagiarism though, so we sent him a letter advising him to be more careful about providing appropriate credit.

⁵ <http://publishing.aip.org/publishing/authors/ethics>; specifically, "Any individual unwilling or unable to accept appropriate responsibility for a paper should not be a coauthor".

⁶ 45 CFR § 689.2(c)(1)

⁷ 45 CFR § 689.1(a)(2)

⁸ We note the complainants have published such a Comment.