

On February 16, 1990, the Vice President for Research and [REDACTED] at [REDACTED] informed us that an inquiry supported a formal investigation into allegations of intentional data modification by [REDACTED] a postdoctoral associate in the Department of [REDACTED] and [REDACTED] of the College of Engineering. The subject received support from an NSF award for [REDACTED] research [REDACTED].

It was alleged that the postdoctoral associate improperly and intentionally adjusted his research apparatus on three occasions to yield false results which were of higher value than previously recorded by any other scientist in his subfield of research.

In July 1990, we received the Dean of the University Faculty's 2-page final investigative report. On the basis of the investigative committee's report as transmitted through the Dean of Engineering, the Dean of Faculty concluded that the evidence did not support a finding of academic misconduct. The 2-page report did not contain sufficient information for OIG to assess the accuracy and completeness of the investigation or whether the investigating entity followed usual and reasonable procedures. We therefore asked for copies of the inquiry report, the full report of the faculty investigative committee, and the summary report prepared by the Dean of the College of Engineering based on the faculty investigative committee's report. After reviewing these reports, we still had difficulty in reaching the same conclusion as the Dean of University Faculty.

The faculty investigative committee concluded that despite the lack of "direct and incontrovertible evidence," a rather complicated web of circumstantial evidence lead the Committee to conclude that the subject did engage in academic misconduct as understood in the applicable [REDACTED] and NSF policies. The committee's report did not specify the circumstantial evidence that it found to be convincing, but the committee presumably was influenced by its assessment of the relative credibility of witnesses. The committee's deliberations were at the least complicated by the fact that the subject initially signed a "confession" and then retracted it after asserting that it had been coerced. According to the material available to us, the committee tried not to give any weight to the retracted "confession" in reaching its conclusions. Nonetheless, in a separate letter transmitting their investigative report to the Dean of Engineering, the faculty committee acknowledged that the existence of the "confession" made the investigation significantly more difficult.

Based on its analysis of evidence and the equities, the faculty committee proposed that a letter of reprimand be sent to the subject. In addition, the committee recommended that the

subject's appointment as a postdoctoral associate end at the expiration of his current appointment -- about 4 months after the conclusion of committee's investigation.

The investigative committee's report was reviewed first by the Dean of the College of Engineering and then by the Dean of the Faculty, who concurred in the recommendations of Dean of the College of Engineering. The Dean of the College of Engineering and the Dean of University Faculty reversed the faculty investigative committee in part by concluding that there was insufficient evidence to support a finding of misconduct. Accordingly, a letter of reprimand was not issued. Nonetheless, the Deans both concluded that the subject's "failure to properly record his actions in the laboratory log book ... deviated from acceptable experimental procedures and raised serious doubts about his conduct in these matters." The sanction, if any, for this deviation from accepted experimental practice is not stated in the reports we have nor is it identified as misconduct. Nonetheless, the Deans both decided to let the subject's appointment as a postdoctoral associate expire.

Our review of the material provided to us by the University raised issues for us concerning the consistency and completeness of the University's investigation as well as whether the procedures employed by the University were reasonable. Among other items, we believed it was necessary for us to evaluate: (1) whether the admissions obtained from the subject were obtained in a coercive manner as alleged by the subject; (2) whether the University was correct in reversing the investigative committee's finding of misconduct; (3) why the investigative committee did not explain the circumstantial evidence that it found to be convincing; (4) why the report of the Dean of University Faculty addresses only two of the three alleged incidents of data tampering; (5) the absence of clear and explicit allegations for the three separate incidents of "data tampering;" and (6) the failure of the investigative committee to explain clearly the method it used to determine that there was data tampering in two instances where there were no witnesses or records for such alleged tampering.

In the course of evaluating the university's investigative report, we learned that the postdoctoral associate had left the university and returned to his country of origin. Under these circumstances and considering our limited resources, we are closing this case with a letter to the institution expressing our concerns about its investigation.



OK: PFS
cc: Inspector General

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