

Final Report of the Committee of Initial Inquiry (CII) Concerning Allegations of Research Misconduct

August 30, 2017

A Committee of Initial Inquiry (“Committee”) was formed on May 10, 2016, to review allegations of possible research misconduct made against former university employee Dr. Stefan Costinean (currently employed in the Department of Pathology & Microbiology, College of Medicine, University of Nebraska Medical Center [UNMC]) (“Respondent”) by Dr. Carlo Croce, Professor and Chair, Department of Cancer Biology and Genetics, College of Medicine, and Dr. Ramiro Garzon, Associate Professor, Department of Internal Medicine, College of Medicine (“Complainants”). The allegations concerned possible plagiarism in the manuscript:

Kauffman, Lauren, Balatti, Veronica, Cascione, Luciano, Fadda, Paolo, Racke, Frederick, Santhanam, Ramaswamy, and Costinean, Stefan (2015). “Gradual Rarefaction of Hematopoietic Precursors and Atrophy in a Depleted microRNA 29a, b and c Environment.” PLOS ONE 10(7):e0131981.

Specifically, Drs. Croce and Garzon alleged that upon leaving the Ohio State University, Dr. Costinean took data that he did not have the right, nor permission to use, and published that data in the above-mentioned manuscript. Dr. Costinean did this without obtaining their permission and without including either Drs. Croce or Garzon as co-authors or accurately acknowledging their contributions to the research. It is further alleged, that Dr. Costinean made false statements to the journal regarding the knowledge of and approval of the submission of the manuscript by the other co-authors.

In November, 2015, both Dr. Croce and Dr. Garzon separately wrote to the editors of PLOS One asserting that data contained in the manuscript were used without knowledge or permission of Drs. Croce and Garzon and without providing appropriate credit. The issue was brought to the attention of the University on February 24, 2016, via an email from Dr. Sarah Bangs, Associate Editor for PLOS ONE to Dr. Jennifer Yucel, Director of the Office of Research Compliance and Research Integrity Officer.¹

Dr. Yucel determined that the allegations did not appear to constitute Research Misconduct but rather appeared to represent an authorship dispute between former collaborators and were therefore subject to the University’s Research Data policy as an academic mater. Per the Research Data policy, Dr. Yucel forward the matter to the College of Medicine on February 27, 2016 for evaluation.²

Dr. Robert Bornstein, Vice Dean for Academic Affairs in the College of Medicine, reviewed the case and spoke with Drs. Croce, Garzon, and Costinean. In a letter dated April 21, 2016, Dr. Bornstein informed Dr. Caroline Whitacre, Senior Vice President for Research, of his assessment that Dr. Costinean did not have permission to take data generated in the laboratories of Drs. Croce and Garzon and that Dr. Costinean’s actions rose to the level of scientific misconduct beyond a simple authorship dispute and should

¹ ATT 1 - 20160224 - Email PLOS ONE to RIO - request inquiry

² ATT 2- 20160227 - Email RIO to COM - FW_ Request from PLOS ONE editorial office [ref__00DU0Ifis_500U0OpKie_ref]

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be reviewed under the University Policy and Procedures Concerning Research Misconduct (herein referred to as the "Policy").^{3,4}

Dr. Whitacre reviewed the College of Medicine's authorship assessment documents provided by Dr. Bornstein, and on May 10, 2016 notified Dr. Yucel that she supported the recommendation that the University initiate an Initial Inquiry into the allegations of possible research misconduct against Dr. Costinean.⁵

On May 12, 2016, Dr. Yucel contacted Dr. James B. Turpen, Associate Vice Chancellor for Academic Affairs and Research Integrity Officer at the University of Nebraska Medical Center, to request his assistance in the sequestration of any research records that Dr. Costinean may have transferred from OSU to UNMC.⁶ Specifically, she requested that Dr. Turpen meet with Dr. Costinean to inform him of the allegations and immediately secure and sequester any applicable research records he might have relating to the allegations. Later on May 12, 2016, Dr. Turpen met with Dr. Costinean and provided the summary of the allegations on behalf of Dr. Yucel.⁷ The summary of allegations requested that Dr. Costinean work with Dr. Turpen to identify and sequester any and all original research records relating to the manuscript, and requested that he contact Dr. Yucel via phone to discuss the allegations, the misconduct process, and any questions he might have. At the conclusion of the meeting, Dr. Turpen and Dr. Costinean proceeded directly to Dr. Costinean's office and lab spaces to sequester all relevant research records.

Following the initial sequestration, Dr. Costinean provided additional materials related to the case. Submissions of additional materials were provided to the Office of Research Compliance on June 3⁸, June 15⁹, August 24¹⁰, and October 12¹¹, 2016. Dr. Garzon later provided additional materials for review on September 16, 2016.¹²

On May 13, 2016, Dr. Whitacre appointed Dr. Peter Mohler, Chair and Professor, Department of Physiology and Cell Biology and Associate Dean for Basic Research, College of Medicine and Dr. Donald Mutti, Professor, College of Optometry to the Committee of Initial Inquiry. On May 27, 2016, Dr. Whitacre appointed Dr. Purnima Kumar, Associate Professor, Periodontology, College of Dentistry to the Committee of Initial Inquiry.^{13,14,15}

³ ATT 3- 20160421 - COM Authorship Assessment - Croce Costinean

⁴ ATT 4- OSU Research Misconduct Policy

⁵ ATT 5- 20160510 - Letter VPR to RIO - Form CII

⁶ ATT 6- 20160512 - Letter OSU RIO to UNMC RIO

⁷ ATT 7- 20160512 - RIO letter to Costinean - notification of allegations

⁸ ATT 8- 20160603 - Data Sequestration Sheet

⁹ ATT 9 - 20160615 - Inventory of thumbdrive #1 - miR29ko

¹⁰ ATT 10 - 20160824 - Data Sequestration Sheet

¹¹ ATT 11 - 20161012 - Data Sequestration Sheet

¹² ATT 12- 20160916 - Data Sequestration Sheet

¹³ ATT 13- 20160513 - CII appointment letter - Mohler

¹⁴ ATT 14 -20160513 - CII appointment letter - Mutti

¹⁵ ATT 15- 20160527 - CII appointment letter - Kumar

Meetings and Discussions of the Committee:

The Committee of Initial Inquiry (CII) first met on June 23, 2016. The following documents related to the allegation were provided:

- The University Policy and Procedures Concerning Research Misconduct
- The College of Medicine's Authorship Assessment letter (which serves as the Preliminary Assessment letter in this case), dated April 21, 2016 and all referenced attachments.¹⁶
- A thumb drive with copies of the above and copies of data received on June 15, 2016.

During this meeting, the CII discussed the research misconduct policy and process and the specific charge of the CII. Conflicts of Interest were discussed, and Dr. Kumar identified a personal conflict of interest with one of the parties involved in the case, and as such would not be able to serve on the CII.

On July 12, 2016, Dr. Whitacre appointed Dr. Caroline Wagner, Associate Professor, College of Public Affairs to the Committee. The newly formed committee first met on September 23, 2016.¹⁷ Dr. Peter Mohler was named Chair, and Dr. Costinean was notified of the Committee's membership on September 26, 2016.¹⁸

Per the Policy, Dr. Costinean filed a written objection with Dr. Yucel on September 30, 2016 to challenge the appointment of Dr. Peter Mohler to the CII on the grounds that Dr. Mohler had published with employees or collaborators of Dr. Croce.¹⁹ Dr. Yucel reviewed Dr. Costinean's challenge with Dr. Whitacre. It was determined that Dr. Mohler had not published with Drs. Croce or Garzon, had no research grants with either of them, and further had not met, nor had any scientific relationship with the individuals referenced by Dr. Costinean and had no knowledge of them being past or present collaborators with Dr. Croce. Dr. Yucel and Dr. Whitacre believed that Dr. Mohler's connections to Drs. Croce or Garzon would not generate an actual conflict of interest, however, in order to avoid any perception of a conflict, on October 6, 2016, Dr. Yucel emailed Dr. Robert Bornstein requesting that the College of Medicine identify another faculty member to replace Dr. Mohler on the Committee of Initial Inquiry.²⁰ On October 10, 2016, Dr. Joanne Turner, Professor, Department of Microbial Infection and Immunity, College of Medicine, was appointed to the CII. Dr. Yucel forwarded Dr. Whitacre's response to the appeal and notification of the new committee membership to Dr. Costinean on October 17, 2016.²¹

As permitted by the Policy, Dr. Costinean emailed Dr. Yucel on October 24, 2016 challenging Dr. Turner's appointment and expressing concerns about Dr. Whitacre's relationship with Dr. Croce as well as the possibility of bias in selection of the CII

¹⁶ ATT 3- 20160421 - COM Authorship Assessment - Croce Costinean

¹⁷ ATT 16- 20160712 - CII appointment letter - Wagner

¹⁸ ATT 17- 20160926 - Committee Notification to Respondent - Mohler

¹⁹ ATT 18- 20160930 - Email Costinean to RIO - appeal Mohler

²⁰ ATT 19- 20161006 - Email RIO to Dean COM - need new CII member

²¹ ATT 20- 20161017 - CII Committee Notification to Respondent

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members.²² In a letter to Dr. Costinean on November 22, 2016, Dr. Yucel dismissed the appeal as none of the issues cited by the respondent are considered conflicts of interest per the Policy.^{23,24} In an email on November 23, 2106, Dr. Costinean acknowledged receipt of the dismissal, but indicated he still found the situation “neither fair nor just.”²⁵

The CII met on November 18, 2016 to discuss their review of the case materials, to determine whom they wanted to interview, and what specific questions they wanted to ask during the interviews. During the discussion of the case materials, the CII members determined that it would be helpful to interview Drs. Garzon and Croce, followed by Dr. Costinean. After committee member schedules were taken into consideration and the interview date with the Complainants identified, the Office of Research Compliance contacted Dr. Costinean on December 13, 2016 to request potential interview dates with respondent. He responded the same day, declining to be interviewed, but indicating that he would respond to a written set of questions.²⁶

On December 20, 2016, the CII separately interviewed Dr. Garzon and Dr. Croce and the interviews were recorded and transcribed.^{27, 28} During the interviews, the CII asked each complainant a series of questions related to his research, training and expectations of post-doctoral fellows, his relationship and research collaborations with Dr. Costinean, the development of *miR29ab1/ b2c* knockout mice and their understanding of Dr. Costinean’s ability to continue working on the *miR29ab1/ b2c* knockout mice when he left the lab. Later that day, Dr. Garzon submitted additional data via email for review by the CII.²⁹

Due to University holidays and travel schedules, development of the set of questions for Dr. Costinean’s consideration was delayed until January 2017. On January 18, 2017, questions were sent to the respondent on behalf of CII Chair.³⁰ Dr. Costinean confirmed receipt of the questions on January 19, 2017 and at that time requested access to archived emails from his OSU account to allow him to adequately prepare his response to the CII’s questions.³¹ Prior to receiving the requested emails, Dr. Costinean provided a response to the CII’s written questions on January 31, 2017.³² Due to the abundance of email records, the Office of Research Compliance in conjunction with the Medical Center and the Office of Legal Affairs worked with Dr. Costinean to identify the dates and corresponding individuals of interest. All records that were identified based on the search criteria were then reviewed for any protected health information (PHI) as well as translated from Italian in the case of a small subset of emails. The complete set of records was provided to Dr. Costinean via two password-protected flash drives mailed

²² ATT 21- 20161024 - Email Costinean to RIO - challenge to CII

²³ ATT 22- 20161122- Email RIO to Costinean - CII appeal

²⁴ ATT 23- 20161122 - Letter RIO to Costinean - Response to CII appeal

²⁵ ATT 24-20161123 - Email Costinean to Yucel - re CII appeal

²⁶ ATT 25- 20161213 - Email Costinean to ORC - RE_ CONFIDENTIAL_ Scheduling an interview with the Committee of Initial Inquiry

²⁷ ATT 26- 20161220 - Croce CII Interview

²⁸ ATT 27- CII Interview Garzon 12.20.16

²⁹ ATT 28- 20161220 - Email Garzon to Mankowski

³⁰ ATT 29- 20170118 - Letter Chair to Costinean - information request

³¹ ATT 30- 20170119 - Email Costinean to RIO - RE_ CONFIDENTIAL_ Questions from the Committee of Initial Inquiry

³² ATT 31- 20170131 - Costinean Reply to CII Questions

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on May 10, 2017 and one sent on June 1, 2017 (translated emails)^{33,34}. Any additional response or supporting evidence was requested to be submitted to the CII by June 16, 2017.

During the course of the inquiry, Dr. Costinean challenged the involvement of Dr. Whitacre on the basis that she was friends with Dr. Croce and could not be unbiased. Following other events, in March 2017, the University appointed an independent external Research Integrity Officer (Dr. David Wright) to oversee the case and appointed Dr. Karla Zadnik to serve as the Deciding Official in place of Dr. Whitacre. Dr. Costinean was notified on March 11, 2017 that Dr. Zadnik would be replacing Dr. Whitacre as the Deciding Official for his case.³⁵

Dr. Costinean replied on March 11, 2017 to Dr. Yucel with a request that, *"In the light of the New York Times article from March 8th this year, I think that, given that OSU is undergoing an outside review of the way research misconduct is handled by the institution, your university is in no position to investigate and be investigated at the same time. Therefore, I ask for investigators from outside the institution to handle Croce's allegations against me."*³⁶

On May 10, 2017, Dr. Yucel emailed Dr. Costinean a letter regarding his request for OSU emails and requesting Dr. Costinean provide information for where they should be sent.³⁷ Dr. Costinean responded on May 10, 2017 repeating his request that there be an independent outside review.

On June 1, 2017, Dr. Yucel emailed Dr. Costinean about the emails that had had to be translated before being released by the Medical Center's Privacy Officer and requesting an updated mailing address. Dr. Yucel also reminded Dr. Costinean that the CII had not received any additional response from him following his receipt of his archived emails. Dr. Costinean replied on June 1, 2017 with a new address and indicated that *"... in light of the articles published in NYT, Columbus Dispatch and USA Today in March this year, I will be more than happy to provide information to an independent committee."*³⁸ Dr. Yucel replied to Dr. Costinean on June 1, 2017 that the institution had retained an external Research Integrity Officer (RIO) who would be handling his case and as we had previously notified him, the Deciding Official would be Dr. Karla Zadnik. Dr. Yucel indicated that Dr. Costinean would need to provide a written response on or before June 16, 2017. Any response would be provided to the CII and the external RIO. In the absence of any response from him, the CII would make a determination based on the information that they had. Dr. Costinean emailed again on June 1, 2017, indicating that he had already answered the questions from the CII, including approximate dates of the emails and again indicated that *"once an independent committee is selected, I would be more than happy to re-send them my reply from January together with the emails that you made available to me."*³⁹

³³ ATT 32- 20170509 - Letter RIO to Costinean - OSU emails

³⁴ ATT 33- 20170601 - Email RIO to Costinean - CONFIDENTIAL -- Additional emails

³⁵ ATT 34- 21070311 - Letter RIO to Costinean - Zadnik appointment

³⁶ ATT 35- 20170311 - Email Costinean to RIO - Fwd_ CONFIDENTIAL -- Notification of change

³⁷ ATT 32- 20170509 - Letter RIO to Costinean - OSU emails

³⁸ ATT 36- 20170609 - Email communications RIO and Costinean June 1 to June 9

³⁹ ATT 37- 20170601 - Email Costinean to RIO

Dr. Yucel replied to Dr. Costinean on June 1, 2017, indicating that there would not be another CII appointed and requesting that he provide any response by June 16, 2017.⁴⁰ Dr. Costinean replied on June 5, 2017 again requesting that he be provided “a committee that is, beyond any doubt, dedicated to ascertaining the truth.”⁴¹ Dr. Yucel replied on June 5, 2017 that as previously noted, the university would not be appointing another CII and that he had until June 16, 2017 to provide any additional information to the committee.⁴²

The Committee met on July 17, 2017, to discuss the emails obtained following a search of Dr. Costinean’s OSU email archive, to discuss the other data related to the case, and to make a final determination regarding the allegations against Dr. Costinean. Drs. Yucel and Behnfeldt had a separate call with Dr. Caroline Wagner on July 21, 2017 as she was unavailable for the July 17, 2017 meeting.

Conclusions of the Committee regarding Dr. Costinean

Following review of the all the case materials, interviews with the Complainants and written responses by the Respondent, and discussion of the case, the Committee arrived at the conclusions described below:

1. Regarding the allegation that Dr. Costinean committed Plagiarism by intentionally and knowingly publishing data belonging to Dr. Croce, without Dr. Croce’s permission or proper acknowledgement, the CII finds, under the preponderance of evidence standard, by a vote of 3 in favor and 0 against, that the allegation **does not have** sufficient substance to warrant investigation under the Policy.
2. Regarding the allegation that Dr. Costinean committed Plagiarism by intentionally and knowingly publishing data belonging to Dr. Garzon (specifically, the bone marrow transplant data), without Dr. Garzon’s permission or proper acknowledgement, the CII finds, under the preponderance of evidence standard, by a vote of 2 in favor and 1 against, that the allegation **does not have** sufficient substance to warrant investigation under the Policy.
3. Regarding the allegation that Dr. Costinean intentionally, and/or knowingly, made false statements to the journal (Falsification) by asserting that all authors had read, and confirmed that they met either the requirements for authorship or acknowledgement and that all contributing authors were aware of and agreed to the submission of this manuscript the Committee makes the following finding. In section III.F of the Policy, ‘Falsification’ is specifically defined as:

“Falsification” is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

While the CII finds that there is sufficient evidence that Dr. Costinean did make false statements to the journal regarding the involvement and knowledge of his co-authors during the publication process, the CII in its entirety has determined

⁴⁰ ATT 33- 20170601 - Email RIO to Costinean - CONFIDENTIAL -- Additional emails

⁴¹ ATT 38- 20170605- Email Costinean to RIO

⁴² ATT 38- 20170605- Email Costinean to RIO

that Dr. Costinean's actions **do not meet** the definition of 'Falsification' under the Policy and therefore cannot constitute Research Misconduct as defined in the Policy. The CII does find that Dr. Costinean's actions represent a serious departure from accepted practices and should be referred back to the journal for their review and remediation. Further, the CII agrees with the earlier institutional decision that the PLoS One paper should be retracted.⁴³ The CII recommends that the Office of Research contact the journal to again request that the paper be retracted due to Dr. Costinean's lack of permission to publish the data and also to notify the Journal of the apparent false statements made by Dr. Costinean to the journal during the publication process.

The Committee's conclusions are based on the following facts and observations:

The Committee determined, by a vote of 3 in favor and 0 against, that the allegation that Dr. Costinean committed plagiarism by intentionally and knowingly publishing data belonging to Dr. Croce does not have sufficient substance to warrant investigation under the Policy because of insufficient evidence. While the Committee recognizes that the generation of the Mir-29ab knockout mouse and associated research was performed in the laboratory of Dr. Croce by Dr. Costinean, the committee was unable to find sufficient written or electronic evidence that Dr. Croce and Dr. Costinean had clear scientific discourse or discussions about authorship, contributions and publications. Statements from Dr. Croce were ambiguous with regard to the level of his involvement in the science. In email correspondence reviewed by the Committee, there is ambiguity about what Dr. Croce's expectations were, for example, in an email exchange on June 9, 2014 Dr. Croce responds to Dr. Costinean's concerns regarding Lucia Casadei's role on the project: (Google translate: '*Dear Stefan, The mir-29 project is and was yours...CMC*' and '*his project was really mostly his project*').⁴⁴ Also, by Dr. Croce's own testimony, it was his normal practice to allow postdoctoral fellows to take their research with them (see Croce transcript, pages 5 and 6, pg. 8, line 10-pg 9, line 5, pg. 10, lines 4-6).

Furthermore, Dr. Croce was copied on several e-mails from Dr. Costinean where Dr. Costinean stated that he was writing the paper but there is no evidence that authorship was discussed. Dr. Croce does not recall having any communication with Dr. Costinean since he left the lab (Croce transcript pg. 13, lines 7-15 - DR. CROCE: "*Yeah. Since he left my lab, I have no communication with him whatsoever*").⁴⁵ At the core of the allegations are a series of emails exchanged between Drs. Garzon, Costinean and Croce from December 29, 2014 through December 31, 2014.^{46,47} Drs. Garzon and Croce contend that this exchange demonstrates that Dr. Costinean had been told that he was off the project and could not publish. From his testimony, Dr. Croce did not remember the communications (Croce transcript pgs. 20 and 21).⁴⁸ Dr. Garzon stated in his interview that he did not tell Dr. Costinean that he could not publish and he didn't know if Dr. Croce had told Dr. Costinean (Garzon transcript, pg. 21, line 6-24 - DR. GARZON: "I myself did not tell him anything, so I don't know if Carlo did. My understanding he was

⁴³ ATT 39- 20160614 - OSU letter to PLOS ONE

⁴⁴ ATT 40- Google Translate FW_ Topi 29

⁴⁵ ATT 26- 20161220 - Croce CII Interview

⁴⁶ ATT 41- Dec 29 2014 miR29 paper

⁴⁷ ATT 42- Dec 31 2014 - FW_ miR-29 paper(1)

⁴⁸ ATT 26- 20161220 - Croce CII Interview

left out of the project, and that was documented by an email.”)⁴⁹. Based on the evidence and conflicting testimonies, the Committee believes that the expectations regarding authorship and publication were unclear and it is possible that Dr. Costinean believed he was still able to move forward with a separate, parallel publication for the work that he had previously completed. Therefore, the committee has determined that there is insufficient evidence to move this allegation forward to investigation.

In regards to allegation #2, the committee determined, by a vote of 2 in favor and 1 against, that the allegation that Dr. Costinean committed Plagiarism by intentionally and knowingly publishing data belonging to Dr. Garzon (specifically the bone marrow transplant data) without Dr. Garzon’s permission or proper acknowledgment, does not have sufficient substance to warrant investigation under the policy.

The allegation of plagiarism by intentionally and knowingly publishing data belonging to Dr. Garzon concerns a few sentences and no data contained in the PLOS ONE paper. The paper includes the following qualitative descriptions of the bone marrow transplants (excluding the materials and methods section) however, no specific data is provided or identified:

- In the Abstract, Results and Significance - *“... mir29ab1 deficient bone marrow cannot repopulate the bone marrow of irradiated mice.”*
- In the Introduction – *“Also, mir29 deficient bone marrow transplants failed to repopulate the bone marrow of irradiated wild type mice.”* –
- In the Results and Discussion –
 - *“To ascertain the role of miR29a and b in maintaining the HSCs bone marrow population, we performed a bone marrow transplant experiment where we transplanted the bone marrow of 5 knockouts mice into 2 irradiated mice. We clearly saw a lack of engraftment of the bone marrows of the miR29ab1 ko as compared to the wild types.”*
 - *“Our study shows that miR29ab deletion results in the diminution of HSCs together with reduction of multipotent and oligo-potent precursors (CFUs) and failure to repopulate irradiated bone marrows in vivo.”*

Dr. Garzon testified that his lab performed bone marrow transplants in collaboration with Dr. Costinean (Garzon transcript pg. 9 – 10; pg. 14, lines 16-24)⁵⁰.

The view of the committee is that there is insufficient evidence to determine the source or actual basis for the statements made in the paper regarding the bone marrow transplants. The vagueness of the sentences themselves adds to the uncertainty and the absence of any figures or data make it impossible to determine the source of the data. Dr. Garzon testified that these qualitative impressions regarding the knockout mice could have come from his discussions with Dr. Costinean (Garzon transcript, pg. 11 lines 2-24, pg. 12, lines 1-10; pg. 20, lines 14-22),⁵¹ however Dr. Garzon indicated that he doesn’t know for sure if the statements regarding the bone marrow transplants come from the collaboration or from another lab (Garzon transcript pg. 15 line 3 to pg. 17).⁵² Without a

⁴⁹ ATT 27- 20161220 - Garzon CII Interview

⁵⁰ ATT 27- 20161220 - Garzon CII Interview

⁵¹ ATT 27- 20161220 - Garzon CII Interview

⁵² ATT 27- 20161220 - Garzon CII Interview

clear indication of what specific data is actually being referenced, it is difficult to establish whether ownership was violated. As noted by Dr. Garzon, the disputed statements in the paper are qualitative, anecdotal, and not really backed up by data (Garzon transcript pg. 18, line 10 – 17 “*So there's a paragraph, but there's no actual data on it*”).⁵³ The lack of data in the disputed sentences argues against the allegation of knowingly publishing data belonging to another. Without knowing the basis for the disputed statements in the paper, it is also difficult to know whether acknowledgment as provided in the paper was proper or not. Therefore, the committee has determined that there is insufficient evidence to move this allegation forward to investigation.

In regards to allegation #3, the committee found no evidence that Dr. Costinean had shared the manuscript with the other authors prior to submission, and based on information provided by the journal, Dr. Costinean did check the submission box stating that all authors and persons named in the acknowledgements section had agreed to be named and all contributing authors agree to the submission. In fact, several authors (Balatti, Fadda, and Racke) stated that they were neither aware of the submission nor did they sign off on the copyright.⁵⁴ While the Committee agreed that these actions represent a serious departure from accepted practices and that the issue should be addressed with the journal, the Committee determined, by a vote of 3 in favor and 0 against, that the allegation that Dr. Costinean made false statements to the journal about notification of authors does not meet the definition of Falsification and therefore does not fit the definition of Research Misconduct under the Policy.

Summary

In summary, the CII has determined that none of the three allegations should move forward to a formal Investigation and instead should be dismissed.

For allegations #1 and #2, the CII took into consideration the federal Office of Research Integrity's position and guidance on plagiarism disputes between formal collaborators:

"Many allegations of plagiarism involve disputes among former collaborators who participated jointly in the development or conduct of a research project, but who subsequently went their separate ways and made independent use of the jointly developed concepts, methods, descriptive language, or other product of the joint effort. The ownership of the intellectual property in many such situations is seldom clear, and the collaborative history among the scientists often supports a presumption of implied consent to use the products of the collaboration by any of the former collaborators.

For this reason, ORI considers many such disputes to be authorship or credit disputes rather than plagiarism."

For allegation #3, the CII determined that falsification of a statement to a journal regarding the sharing of a manuscript and/or co-author reviews and approvals prior to submission fails to meet the definition of Falsification in Research Misconduct and instead represents a false statement made during the publishing process. The CII

⁵³ ATT 27- 20161220 - Garzon CII Interview

⁵⁴ ATT 43- Co author emails

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recommends that the journal be notified about the false statement by Dr. Costinean and re-affirms the earlier institutional request that the Journal retract the paper.⁵⁵

As required by the Policy, the Preliminary Report was provided to the Complainants^{56 57} and Respondent⁵⁸ for their review and comment. No comments were received from the Complainants or the Respondent, therefore the report stands as written.

Appendix

Complainants:

Dr. Carlo Croce, Professor and Chair, Department of Cancer Biology and Genetics, College of Medicine; and

Dr. Ramiro Garzon, Associate Professor, Department of Internal Medicine, College of Medicine

Respondent:

Dr. Stefan Costinean, former OSU employee currently employed in the Department of Pathology & Microbiology, College of Medicine, University of Nebraska Medical Center

Members of the Committee of Initial Inquiry:

- Dr. Joanne Turner (Chair), Professor, Department of Microbial Infection and Immunity, College of Medicine;
- Dr. Donald Mutti, Professor, College of Optometry; and
- Dr. Caroline Wagner, Associate Professor, College of Public Affairs

Ex Officio Members:

David Wright, Ph.D., Acting Research Integrity Officer

Jennifer K. Yucel, Ph.D., Research Integrity Officer

Julia Behnfelddt, Ph.D., Research Integrity Officer

Courtney D. Mankowski, Research Integrity and Compliance Manager

Known Federal Research Support:

None

Attachments:

1. ATT 1 - 20160224 - Email PLOS ONE to RIO - request inquiry
2. ATT 2- 20160227 - Email RIO to COM - FW_ Request from PLOS ONE editorial office [ref__00DU0lfis._500U0OpKie_ref]

⁵⁵ ATT 39- 20160614 - OSU letter to PLOS ONE

⁵⁶ ATT 44 – 20170809 – Letter Wright to Croce – PR

⁵⁷ ATT 45 – 20170809 – Letter Wright to Garzon - PR

⁵⁸ ATT 46 – 20100809 – Letter Wright to Costinean – PR v1

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3. ATT 3- 20160421 - COM Authorship Assessment - Croce Costinean
4. ATT 4- OSU Research Misconduct Policy
5. ATT 5- 20160510 - Letter VPR to RIO - Form CII
6. ATT 6- 20160512 - Letter OSU RIO to UNMC RIO
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Scheduling an interview with the Committee of Initial Inquiry
26. ATT 26- 20161220 - Croce CII Interview
27. ATT 27- CII Interview Garzon 12.20.16
28. ATT 28- 20161220 - Email Garzon to Mankowski
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from the Committee of Initial Inquiry
31. ATT 31- 20170131 - Costinean Reply to CII Questions
32. ATT 32- 20170509 - Letter RIO to Costinean - OSU emails
33. ATT 33- 20170601 - Email RIO to Costinean - CONFIDENTIAL -- Additional
emails
34. ATT 34- 21070311 - Letter RIO to Costinean - Zadnik appointment
35. ATT 35- 20170311 - Email Costinean to RIO - Fwd_ CONFIDENTIAL --
Notification of change
36. ATT 36- 20170609 - Email communications RIO and Costinean June 1 to June 9
37. ATT 37- 20170601 - Email Costinean to RIO
38. ATT 38- 20170605- Email Costinean to RIO
39. ATT 39- 20160614 - OSU letter to PLOS ONE
40. ATT 40- Google Translate FW_ Topi 29
41. ATT 41- Dec 29 2014 miR29 paper
42. ATT 42- Dec 31 2014 - FW_ miR-29 paper(1)
43. ATT 43- Co author emails
44. ATT 44 – 20170809 – Letter Wright to Croce – PR
45. ATT 45 – 20170809 – Letter Wright to Garzon – PR
46. ATT 46 – 20100809 – Letter Wright to Costinean – PR v1