



NEW MEXICO
MUSEUM OF
NATURAL HISTORY
& SCIENCE

**REPORT ON REVIEW OF
ALLEGATIONS OF IMPROPER
PUBLISHING PRACTICES**

March 3, 2008

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

This summary and accompanying documents pertain to allegations of improper publishing practices by Spencer Lucas, Justin Spielman, Andrew Heckert and Adrian Hunt.

The allegations are made by William Parker, a former graduate student at Northern Arizona University and Jeffrey Martz, a graduate student at Texas tech. Additional signatories are added to Martz's correspondence, and they are Michael Taylor and Mathew Wedel. Taylor and Wedel's involvement in the allegations is unclear. The roles of Taylor and Wedel have never been explained in any correspondence to Dr. Lucas, Secretary Ashman or made available to the review panel.

Enclosed in these materials are the original allegations from Martz, Taylor and Wedel with supporting documentation, correspondence between the Department of Cultural Affairs and Martz, Taylor, Wedel and Parker. (Please see table of contents)

Notes from the review conducted by the review panel and letters of support received by the Department of Cultural Affairs.

Review was conducted in the Board of Trustee's Conference Room of the New Mexico Museum of Natural History and Science, 1801 Mountain Road NW, in Albuquerque, New Mexico, on Thursday, February 21, 2008 from 3:00 pm to 5:00 pm MST.

Members of the review panel:

Executive Committee of the New Mexico Museum of Natural History and Science

Board of Trustees:

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| <u>Gary Friedman</u> | President of the Board of Trustees. |
| <u>Dr. Peter Gerity</u> | Vice President of the Board of Trustees and Vice President of Academic Affairs of New Mexico Tech. |
| <u>Dr. Laurence Lattman</u> | Secretary of the Board of Trustees and President Emeritus of New Mexico Tech. |

Outside reviewers:

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| <u>Dr. Norman Silberling</u> | Consulting geologist, former Professor at Stanford University and geologist with U.S. Geological survey |
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| <u>Orin Anderson</u> | New Mexico Bureau of Geology and Mineral resources (ret.) |
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Staff present:

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| <u>Stuart Ashman</u> | Cabinet Secretary, Department of Cultural Affairs |
| <u>Troy Fernandez</u> | Deputy Secretary, Department of Cultural Affairs |
| <u>Denise Hidalgo</u> | Administrative Assistant |

The panel received testimony from Dr. Adrian Hunt, former Director of the Museum and Dr. Spencer Lucas, Interim Director.

Findings/Conclusions:

There were no findings of unethical behavior by Dr. Lucas or any members of the Museum staff. There were clear indications that plagiarism did not occur in either of the instances cited in the allegations. The evidence provided does not sustain the allegations. Further, the declarations made and provided by Dr. Hunt and Dr. Lucas clearly state what actually transpired in both allegations.

William Parker's failure to disclose his ultimate purpose for visiting the collection was raised as the main cause of the problem in that allegation.

No ethical violations were discovered in Jeffrey Martz's allegations.

Recommendations were made to review and revise the Bulletin's peer review process.

Recommendation was made to institute a process for researchers to disclose the purpose of their research when visiting the Museum's collections.

Additional details can be found in the document "Spencer Lucas Review Notes"

**REPORT ON REVIEW OF ALLEGATIONS OF
IMPROPER PUBLISHING PRACTICES AT:**

**NEW MEXICO MUSEUM OF NATURAL
HISTORY AND SCIENCE**

March 3, 2008

REVIEW PANEL NOTES/SUMMARY

SUMMARY OF MEETING
Thursday, February 21, 2008 at 3:00pm - 5:00pm
New Mexico Museum of Natural History & Science
Conference Room – 2nd Floor

Present: Gary Friedman, Esq., President, Board of Trustees, NMMNHS; Dr. Peter Gerity, Vice President, Board of Trustees, NMMNHS Vice President for Academic Affairs, New Mexico Tech; Dr. Larry Lattman, Secretary, Board of Trustees NMMNHS and President Emeritus, New Mexico Tech; Dr. Spencer Lucas, Interim Executive Director, NMMNHS; Secretary Stuart Ashman, Department of Cultural Affairs, State of New Mexico; and, Deputy Secretary Troy Fernandez, Department of Cultural Affairs, State of New Mexico. (Note: Dr. Lucas was not present for duration of the meeting; only present during his direct questioning.)

Present Via Telephone: Dr. Adrian Hunt (former Executive Director, NMMNHS); Mr. Orin Anderson, New Mexico Bureau of Geology and Mineral Resources (Retired); and Dr. Norman Silberling, retired consulting geologist. (Note: Dr. Hunt was not present for the duration of the meeting; only present during the initial telephonic discussions.)

Minutes: Denise Hidalgo, Executive Assistant, NMMNHS (Note: meeting was not recorded.)

Purpose of Meeting: The purpose of this meeting was for the panel to consider allegations made by Jeffrey W. Martz and William G. Parker (specifically); against, Dr. Spencer Lucas, Dr. Adrian Hunt, Dr. Andrew Heckert and Mr. Justin Spielmann (group hereinafter referred to as “Lucas”) alleging that Lucas “stole intellectual property,” “claim-jumped,” and/or “plagiarized” the scientific work of Parker and Martz.

Articles in question: (1) Lucas, S. G., Hunt, A. P., and Spielmann, J.A., 2006, *Rioarribasuchus*, a new name for an aetosaur from the Upper Triassic of north-central New Mexico *in* Harris, J. D., Lucas, S. G., Spielmann, J. A., Lockley, M. G., Milner, A. R. C. and Kirkland, J. I., eds., *The Triassic-Jurassic terrestrial transition: New Mexico Museum of Natural History and Science, Bulletin 37*, p. 581-582; (hereinafter referred to as the Lucas article), and (2) Spielmann, J. A., Hunt, A. P., Lucas, S. G. and Heckert, A. B., 2006, Revision of *Redondasuchus* (Archosauria: Aetosauria) from the Upper Triassic Redonda Formation, New Mexico, with description of a new species; *in* Harris, J. D., Lucas, S. G., Spielmann, J. A., Lockley, M. G., Milner, A. R. C.

and Kirkland, J. I., eds., The Triassic-Jurassic terrestrial transition: New Mexico Museum of Natural History and Science, Bulletin 37, p. 583-587; (hereinafter referred to as the Spielmann article.)

3:12pm MST

Commencement of meeting by Gary Friedman: Friedman started the meeting by stating its purpose and introducing those who were present. The stated reason for this meeting was to openly discuss the allegations made against Lucas, pertaining to and stemming from NMMNHS Bulletin 37.

3:15pm

Discussion with Norman J. Silberling: Silberling submitted a letter dated February 18, 2008, to the panel which stated his analysis of the issues. In response to Chairman Friedman's request, Silberling orally paraphrased the part of his letter dealing with the allegation of plagiarism by Parker. After disclosing his friendly relationship with Lucas and something about his own professional background, Silberling stated that although plagiarism is a very serious charge in academic science, he felt that no plagiarism was involved in the present dispute. He noted that in paleontology, the priority of introducing formal names is especially important. Parker did, in fact, propose a new generic name for the species in question in his master's thesis, but the introduction of a new formal name in a thesis has no validity under the rules governing zoological nomenclature. Subsequently, although Parker argued in abstracts and in a new manuscript reviewed by Lucas that the species in question should be a new genus, he never explicitly wrote that he was, in fact, intending to do that in print. Meanwhile, Lucas and his colleagues in 2006 were unaware that Parker had indeed proposed a new name in a manuscript submitted to a British journal and not published until 2007. Consequently, when Lucas et al. decided that the species in question should be given a new generic name, they independently proposed their own new name in 2006 on the basis of their own long-term study of the fossils in dispute, which are housed in the collections of the New Mexico Museum of Natural History and Science. He noted that Lucas did not venture from sources other than his long-term study of their own data when naming the fossil in dispute.

Silberling noted that Parker and his associates were given full access to the Museum and its collection of specimens of these fossils, which they freely photographed and studied in the Museum building. He said that he believes that Parker's point of contact at the Museum while collecting his data on these fossils was Andy Heckert, who is no longer associated with the Museum. Lucas

has denied receiving any information about Parker's intent to publish a new name, either directly from Parker or through Heckert.

Silberling noted that misconduct could be considered to have occurred on the part of Parker who based his 2007 paper on specimens originally collected and prepared by the Museum and did so without approval to publish on them from the Museum.

Silberling concluded that there was clearly no plagiarism involved in any of the three instances where it has been implied to have occurred.

Norman J. Silberling's letter dated February 18, 2008 to Stuart Ashman and the Executive Committee was adopted into the record.

3:35pm

Discussion with Orin Anderson: Anderson noted that he was proud to be associated with Spencer Lucas. He noted that he has published several articles with Lucas related to stratigraphy and biostratigraphy. Anderson's stated opinion was that Lucas is honest, enthusiastic, thorough; a scientist with a degree of assertiveness which may rankle some scientists.

Anderson believes that resolution to these allegations being considered today should be found within the scientific community, not within administration.

Anderson stated that he did not believe that Lucas plagiarized Parker, because Lucas utilized the Museum's own collection of specimens as the basis to publish a paper. It was clear that the Museum's staff had collected and was actively studying these materials.

Anderson noted that some concessions are being demanded, and the panel should consider reviewing and possibly revising the editorial process of the Museum, notably the method of reviewing articles for publication.

Anderson concluded that the allegation of plagiarism in this instance does not bear any merit, and that perhaps Lucas is more diligent and quicker in his work than most other scientists.

3:50pm

Discussion with Adrian Hunt: Hunt indicated that he welcomed the opportunity to respond to the allegations leveled both at Spencer Lucas and at NMMNHS. He noted that he has known Lucas for over 25 years in a variety of professional and scientific capacities, and that Lucas was his doctoral advisor.

Hunt stated that he would like to provide some broad context before addressing specific issues. Hunt noted that Lucas is one of the leading paleontologists in the world whether judged by quantitative or qualitative means. Quantitatively, the 19th Century paleontologist Edward Cope is widely judged to have been the most published scientist in his field with over 1400 articles. Lucas has already published well over 2000 books, articles and abstracts. Qualitatively, Lucas is equally impressive. China has the largest collection of vertebrate fossils outside the United States, and Lucas is the author of the only comprehensive review of all Chinese fossil vertebrates. In addition, he is the author of the standard textbook on dinosaurs which is used in many colleges and universities across the country and is now in its fifth edition. Hunt concluded that Lucas is one of the most respected paleontologists in the world.

Hunt also indicated that the NMMNHS Bulletin series has a world-wide reputation. While Hunt was the Executive Director for the Museum, he received numerous admiring e-mails from many countries regarding the quality of the Bulletin. In summary, Hunt indicated that both Lucas and the Bulletin series have world-wide reputations, and that these attract intense feelings in others which might explain the apparently disproportionate responses in this case.

Hunt noted that he thought that the specific allegations made against Lucas were without merit.

The first accusation regards the publishing of a new name for an aetosaur (armored reptile). The Museum staff members dug up the fossil remains of an aetosaur from northern New Mexico and subsequently prepared them by removing them from their rock matrix and adding them to the Museum's collection. Lucas was the leader of the research team working on the studies of this fossil. Initially, Lucas and his team published the animal as a new species of an existing genus. However, after further study of other aetosaurs, they realized that the aetosaur represented a distinct genus. Lucas then wrote a paper naming the animal as a new genus.

Independently, Parker decided to use a new generic name for the aetosaur, but he did not inform anyone at the Museum of his intention prior to submitting a paper to a British journal. The Lucas team was completely unaware of this publication or of Parker's intent to publish on objects from the Museum's collection as he never indicated his intention.

It was not until after Parker received information of Lucas' publication that he claimed to have informed Heckert of his intent to name a new genus in the British publication. Heckert denies this. When Parker became aware of Lucas' published article, he called him, and they discussed the situation. During this conversation, Lucas expressed that the Museum team did not know of the Parker publication and Parker seemed to accept this idea. Apparently he has changed his position.

Orin Anderson asked Adrian Hunt a question regarding Mr. Parker's claim that he had presented a paper at a professional meeting, where in his contention that *Rioarribasuchis* rightfully belonged in another genus was introduced and that NMMNHS staff were present at that event. Adrian Hunt responded that he did not think so, he did not recall anyone from the Museum's staff being at that meeting. Additionally, he pointed out that Mr. Parker did not introduce his new name "*Heliocanthus*" at that time.

The other charges concern the Spielmann article. In this article Martz's thesis is cited more than a dozen times and so there was clearly no intent to not give credit to Martz. The disputed section of the paper concerns the orientation of an armor plate. Lucas independently realized that they had initially given the wrong orientation of this plate. Even though Lucas had come to the same conclusion as Martz, the thesis should have been cited in this instance to acknowledge that Martz had also reached this conclusion. Hunt again stated that the multiple citations of the Martz thesis in the Spielmann paper indicate that it was perhaps an oversight to not expound on Martz's contribution. However, given the number of times the thesis was cited, it is clear that this does not constitute plagiarism.

Additionally, the reviewers of the Spielmann paper were also unaware of Parker's paper in the British journal.

There is also a dispute about a figure in the Spielmann paper. It is claimed that this figure is copied from Martz's (2002) thesis whereas it is actually clear that

this figure largely stems from a figure in a 1996 paper by the Lucas team (Heckert et al.).

In answer to a question by Secretary Ashman, Hunt noted that museums are increasingly having researchers sign forms that indicate what they are studying and photographing, and indicating the purpose of this study (e. g., Harvard Museum of Natural History.) Hunt suggested that this would be useful at NMMNHS.

Gerity noted that the Museum should review its policy regarding access to the collection and its procedures related to the publishing of articles in its Bulletin series.

In conclusion, Hunt expressed his opinion that the allegations against Lucas and the Museum have no merit.

4:18pm MST

Adrian Hunt is excused from the meeting

4:20pm MST

Spencer Lucas was called into the conference: He was thanked for his cooperation. It was proposed that the written responses prepared by Lucas would be used as part of the written response to the accusations. (Agreed by Lucas.)

Martz' Accusations of Plagiarism: Regard to article: Lucas, S. G., Hunt, A. P. and Spielmann, J.A., 2006, (Archosauria: Aetosauria) from the Upper Triassic Redonda Formation, New Mexico, Bulletin 37, p. 583-587. Lucas noted that the Spielmann article clearly cited Martz's thesis many times. Lucas cited the Appendix to his written response (attached), which documents that there were inconsistencies in earlier papers on the orientation of this armor plate and the absence of the citing of Martz was an oversight.

Lucas discussed a disputed figure in the Spielmann paper and indicated that it is clearly based on a 1996 figure by Heckert et al., and not on a figure in Martz's (2002) thesis.

In summary, Lucas concluded that there was no intent to plagiarize Martz's thesis in the Spielmann paper.

Parker's Accusations of Claim-Jump: Article in question: Lucas, S. G., Hunt, A. P. and Spielmann, J.A., 2006, *Rioarribasuchus*, a new name for an *aetosaur* from the Upper Triassic of north-central New Mexico: New Mexico Museum of Natural History & Science, Bulletin 37, p. 581-582.

Lucas indicated that the his article was based on fossils collected by NMMNHS personnel and prepared and repositied in the NMMNHS collection; it provided a new scientific generic name for an aetosaur. After the publication of this article in 2006, it was learned that Parker had a paper in process that named the same animal with a different genus name. Parker subsequently alleged that Lucas deliberately acted to beat him to publication by using an internal outlet (NMMNH Bulletin) which did not include a valid review process. Parker used a European scientific journal with a longer turnaround time and his paper was not actually published until three months later. Thus, the two papers (those of Lucas and Parker) were actually published within 4 months of each other. Lucas noted that it is a courtesy to inform fellow researchers when publications are "in process", especially when one is using the scientific research collected by another institution. Parker has stated that someone from the Lucas group was informed of Parker's intention to publish, but this, said Lucas, is not true. In addition, two reviewers of the Lucas paper in the Bulletin also claim that they did not know of Parker's intentions. Lucas indicated that it was an obvious oversight by Parker not to inform his colleagues in Albuquerque about his upcoming publication. The reason for this, said Lucas, is possibly that he had not asked for prior authorization to study the fossils in question. In summation, Lucas stated that the fossils were in the NMMNHS collection, and two different people were researching the same fossil, neither knowing of the other's intent to publish.

Lucas suggested that the Museum needs two external reviews on every paper to be published and that in the future an editor of a Bulletin can not also be a reviewer.

Spencer Lucas's "Suggestions to Improve The NMMNHS Bulletin" has been adopted hereto into the record.

Lucas provided an extensive listing of all scientists who had published in the NMMNHS Bulletin series. In response to a question Lucas indicated that since the publications are produced by a state entity, there is no profit or royalties received by authors.

Lucas noted that his relationship with Parker has always been professional, but

never collaborative.

4:44pm MST - Lucas exits conference room.

4:45pm MST - Panel discusses the allegations, the responses and the comments of Hunt, Silberling, and Anderson.

Findings/conclusions

Panel agrees that it is satisfied with the determination that although the allegations made by Martz and Parker are of a serious nature, the testimony and statements provided by Lucas and Hunt clarify the matter and negate the evidence presented by Parker and Martz.

On the matter of Parker's allegation, his assertion that the staff "knew" of his intent is not definitive. Lucas and Hunt both indicate that they were not told of his intent. Heckert had been asked previously, and he also indicated that he had no knowledge of Parker's intent.

On the matter of Martz's allegation, the repeated mentions of Martz's thesis in the Bulletin clearly indicate that there was no "plagiarism" - neither intended nor committed.

The review panel feels that evidence provided does not sustain the allegation. The declarations provided by Dr. Hunt and by Dr. Lucas, both verbally and in written form, clearly state what actually transpired in the two incidents referred to in the allegations.

However, the panel recommends that this matter be clearly stated in the next Bulletin to clarify for the record any perceived failures in crediting Martz.

The panel agrees that the Museum needs to explicitly re-examine the NMMNHS Publications Policy and establish written documents regarding Review of Articles for the NMMNHS Bulletin Series and Scientific Misconduct actions. This will ensure that there is clarity for staff and outside researchers visiting the collection for publication on the Museum's expectations.

Additionally, a recommendation was made to require that researchers visiting the collections be issued a form to complete and sign disclosing their intended purposes. This procedure would help to clarify a researcher's intent and to further collegiality in research.

Final conversation involved timelines for releasing the findings of the panel and distribution to the Society for Vertebrate Paleontology, the New Mexico Academy of Sciences and any media or constituents that requests same.

END OF SUMMARY/NOTES