



From lab to courtroom. Magdalena Koziol claims her boss retaliated against her after a fellow postdoc tampered with her experiments.

statement that acknowledges the sabotage and says the culprit's employment was terminated immediately. But the university dismisses Koziol's complaints against her former boss and Yale and says that it "will mount a vigorous defense."

The complex case raises a host of questions about how to deal with sabotage, a type of misbehavior that some scientists believe is more common than the few known cases suggest. One key point of debate is whether ruining someone's experiments should fall under the definition of research misconduct, which is usually restricted to fabricating or falsifying data and plagiarism.

Some experts argue that wrecking experiments, while terrible, is more akin to slashing a fellow researcher's tires than to making up data.

Koziol declined to discuss the case with *Science* on the advice of her lawyer. Her complaint says that she first repeated her fish experiment to persuade Giraldez, who suspected the animals were poisoned with ethanol. Koziol told him she also had reason to believe someone had spiked her reagents. Giraldez and Robert Alpern, dean of the Yale School of Medicine, agreed to install the secret cameras that supposedly fingered Ocbina. (The complaint doesn't speculate about his possible motives.) Giraldez and Yale lawyer Howard Rose confronted Ocbina with the evidence on 8 March 2012, and he confessed, according to the complaint. At a lab meeting the next morning, Giraldez said Ocbina would not return to the lab and told his group not to discuss the incident. He also threatened Koziol with "legal consequences" and "prosecution" if she did, she claims.

From then on, Koziol's relationship with her boss deteriorated. The complaint says he refused to provide her with a letter about the sabotage, which presumably would have helped explain her lack of data to future employers. Koziol alleges that he criticized her work and character, didn't help her make up for the lost time, gave her "angry looks when passing in the lab,"

SCIENTIFIC MISCONDUCT

Sabotaged Scientist Sues Yale and Her Lab Chief

When Magdalena Koziol suspected that someone was sabotaging her research at Yale University, she did what comes naturally to a scientist: She set up a controlled experiment to test her hypothesis.

Koziol's studies of how the genome switches on after an egg is fertilized had begun failing mysteriously in July 2011, a month after she started her postdoc in the developmental biology lab of Antonio Giraldez. In August, she began producing transgenic zebrafish; they all died, not once, but time after time. A lab technician assured her she was doing everything right, and colleagues' fish were fine. So Koziol produced a new batch of fish and divided them in two groups. One she put in a container labeled with her initials, MK, as she had done before. She left the other half unmarked. Sure enough, the labeled fish died; the others were fine.

The experiment was a key step in proving that someone was tampering with her experiments, according to a lawsuit Koziol filed with the Superior Court in New Haven on 7 February. When hidden cameras were

installed in the lab, they revealed a fellow postdoc poisoning her fish, the complaint says. Now, Koziol is suing the alleged perpetrator, Polloneal Jymmiel Ocbina. According to the complaint, he left Yale after he was caught on video.

But Koziol, now at the Gurdon Institute at the University of Cambridge in the United Kingdom, is also suing Giraldez and Yale University. In her complaint, she alleges that after the saboteur was nabbed, Giraldez didn't allow her to speak about the affair, became increasingly hostile, and threatened to fire her. Koziol accuses him and Yale of negligent and intentional infliction of emotional distress and breach of contract. Among other things, she's asking for an unspecified amount of compensation for the lost time and funding—she had a grant from the prestigious Human Frontier Science Program Organization (HFSPO)—attorney fees, and emotional suffering.

Ocbina, who now works at a communications company in New York City, declined to comment because the case is in court; so did Giraldez. Yale sent *Science* a

didn't list her as a contributor to a *Nature* article, and threatened to fire and "destroy" her. Koziol became depressed, suffered from sleeplessness, and gained weight; when she and Giraldez talked for 3 hours in August 2012, Koziol "cried throughout the meeting," the complaint says.

Koziol filed a grievance procedure against Giraldez, which she lost; Yale, in its statement to *Science*, calls her allegations against Giraldez and the university "factually distorted and legally baseless." Giraldez's request to lab members not to discuss the case was "[i]n keeping with the law of the State of Connecticut, which protects the confidentiality of certain employment information," the university says. Lisa Rasmussen, a philosopher and research ethicist at the University of North Carolina, Charlotte, says it's not uncommon for misconduct cases to remain under wraps because the law requires a university to protect personal information about its employees. But Koziol's lawyer, Daniel Kryzanski, says that the university cannot restrict free speech about the reasons why someone was fired.

Publicly known incidents of sabotage in science are rare. The only recent one in the United States happened 4 years ago at the University of Michigan, Ann Arbor, where a postdoc named Vipul Bhriгу confessed to repeatedly killing the cultured cells of a colleague, Heather Ames, also using ethanol. He, too, was caught using hidden cameras. Bhriгу told a *Nature* reporter that he was under "internal pressure," and that he had hoped to slow Ames's work.

Theodora Ross, Ames's boss at the time, says that after the case became public, she heard from many people who suspected or knew of foul play in their own labs or elsewhere. "I think it happens a lot," says Ross, who's now at the University of Texas Southwestern Medical Center in Dallas. Sabotage isn't hard to commit, especially in biomedical labs, where samples and reagents are often stored in communal cabinets or fridges. And it's hard to detect or prove; plenty of experiments fail without anyone committing mischief.

Koziol's complaint also contends that Yale broke its contract with her by failing to report her case to the Office of Research Integrity (ORI), the U.S. agency that

investigates misconduct in federally funded biomedical research. In Bhriгу's case, that's what happened: The university reported the case to ORI, while the state of Michigan prosecuted Bhriгу, who pleaded guilty to malicious destruction of property and was sentenced to more than \$30,000 in fines and restitution.

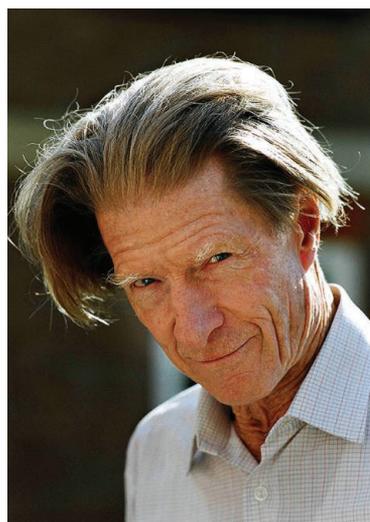
Kryzanski, Koziol's lawyer, says Yale didn't report the case to the police as a potential crime. Yale declined to specify how it has treated Ocbina's case, but its statement says that Giraldez notified the U.S. National Institutes of Health, which funded Ocbina's work and is one of the agencies under ORI's purview. An ORI spokesperson told *Science* that the office can "neither confirm nor deny" whether it was informed about the case.

Whether sabotage belongs under ORI's

"After Defendant Ocbina resigned or was terminated, Defendant Giraldez did not allow the Plaintiff and other members of his laboratory group to talk about the incident, and Giraldez even threatened the Plaintiff with 'legal consequences' and 'prosecution' if she were to talk about the incident. Defendant Giraldez also denied the Plaintiff documentation confirming that her fish had been poisoned."

Magdalena Koziol v. Yale University, Polloneal Jymmiel Ocbina and Antonio Giraldez

purview is questionable, Rasmussen says. A long and contentious debate took place in the 1990s over whether the U.S. federal definition of research misconduct should include anything beyond fabrication, falsification, and plagiarism, commonly referred to as FFP. Some argued that other types of bad behavior, such as sexual



Mentor. After leaving Yale, Koziol returned to the Cambridge, U.K., lab of Nobel laureate John Gurdon, who strongly supports her.

harassment or vandalism, could constitute research misconduct as well; others said that would open the floodgates to all kind of accusations, and that such misdeeds could be dealt with through other mechanisms.

In the end, ORI adopted the FFP-based definition. Yet it did issue a ruling in the Bhriгу case; in 2011, the agency ruled that his tampering "caused false results to be reported in the research record," and thus amounted to data falsification. The research record, in this case, was simply the lab notebooks in which Ames

recorded her failed experiments, Ross says; Bhriгу's obstruction didn't result in any flawed papers. It will be "interesting" to see whether ORI has gotten involved in the Ocbina case, Rasmussen says, because Koziol presumably mentioned the dead fish in her notebooks as well.

Koziol left Yale in March 2013 and returned to the lab of Nobel laureate John Gurdon in Cambridge, where she had done her doctoral work. "I was very happy to have her back," Gurdon says, "because her work is excellent. She was a model student." Gurdon helped secure a small grant for Koziol and donated some of his personal money to keep her going. He's optimistic about her chances against Yale. "They wrote her a letter promising her circumstances in which she could conduct her research," he says. "And they quite clearly did not provide even remotely adequate circumstances."

Gurdon has written HFSP, Koziol's funder, urging the program to withhold support for Yale if the university can't properly explain what happened. HFSP Secretary General Ernst-Ludwig

Winnacker says he sympathizes with Koziol, but does not know the details of her case. He says he had urged the parties to avoid an expensive and lengthy court fight. "It would have been much better if they had reached a compromise," Winnacker says. "It's too bad they couldn't."

—MARTIN ENSERINK

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