

ACM Policies Protecting Whistleblowers & Victims of Coercion/Abuse, Or Lack Thereof

Dear ACM President, Director of Publications, and Ethics & Plagiarism Committee,

This letter is in response to ACM's investigation decision letter dated September 14, 2022, and constitutes my official appeal to the decision contained thereto.

As the Complainant, I, Dr. Iman Sadeghi, would like to thank you and the Committee for conducting the investigation and substantiating my claims. If any of the Respondents choose to appeal the findings of data falsification, I would like the opportunity to provide additional evidence to counter their appeals and reaffirm the findings.

As a Respondent, I would like to appeal the Committee's decision as it pertains to holding all authors—including the whistleblower, the perpetrator, and the victim—equally accountable for the committed data falsification and scientific misconduct.

My appeal is based on the following:

- I. ACM policies¹ and Code of Ethics² lack whistleblower protection, which is essential for encouraging reports of violations.
- II. ACM policies re Coercion and Abuse³ do not distinguish between the penalties for the perpetrator and the victim of coerced violations.

I. Protecting Whistleblowers

Whistleblowers are protected under Federal and California laws including Federal Whistleblower Protection Act, Title 5, United States Code § 2302(b)(8), California Whistleblower Protection Act, California Government Code § 8547.1, et seq. and California Labor Code § 1102.5.

Although ACM Code of Ethics § 1.2 defines “blowing the whistle” as an obligation of computing professionals, it is silent as to what protections have been implemented to protect the rights of whistleblowers. Protecting whistleblowers encourages reports of violations which is essential for upholding scientific integrity.

The day after I commenced litigation⁴, I informed ACM of Dr. Hao Li's and Pinscreen Inc.'s fraudulent activities. Until then I was prohibited from disclosing the company's information under the terms of the Confidentiality Contract⁵ I had signed when I joined Pinscreen as Vice President of Engineering.

Only after filing the lawsuit, and under California litigation privilege, I was allowed to disclose Li's and Pinscreen's violations to ACM and USC. I actively participated and provided information during both investigations and preserved key evidence, such as Gitlab's software repository of Pinscreen's public deception during ACM SIGGRAPH Real-Time Live 2017.⁶ In contrast, Li and other Respondents categorically denied that any falsification took place on social media, in the press, and in their responses to inquiries from ACM. For a timeline of my whistleblowing activities and the Respondents' denials see **Exhibit A**.

¹ <https://www.acm.org/publications/policies> ACM Publications Policies and Procedures

² <https://www.acm.org/code-of-ethics> ACM Code of Ethics and Professional Conduct

³ <https://www.acm.org/publications/policies/coercion-and-abuse> ACM Policy of Coercion and Abuse

⁴ <http://sadeghi.com/dr-iman-sadeghi-v-pinscreen> LASC BC709376. Estimated cost of litigation to date: \$500,000+

⁵ <http://sadeghi.com/FAC/#page249> Verified First Amended Complaint pages 249-256

⁶ <http://sadeghi.com/Gitlab-Code> and <http://sadeghi.com/Discovery>. Estimated cost of discovery to date: \$150,000+

II. Protecting Victims of Coercion & Abuse

ACM policies re Coercion and Abuse prohibit a superior from coercing a subordinate to falsify results in a published paper. The policies, however, do not clarify what penalties should be applied to the perpetrator who coerced the falsification versus the victim who was coerced to participate in the falsification.

As the CEO of Pinscreen and my direct superior in the company, Li exploited his power differential to force me into participating in his fraud. Li depended on that differential as well as my obligations under the Confidentiality Contract to keep his coercive, abusive, and fraudulent practices from being reported.⁷

My involvement in Pinscreen's fraudulent publications and presentations is an untoward consequence of Li's coercive and abusive practices. The repeated whistleblowing and objections I presented to Li resulted in the retaliatory termination of my employment immediately after Pinscreen's public deception at ACM SIGGRAPH Real-Time Live 2017. According to the policy, ACM should investigate this coercive and abusive situation and seek to remediate the untoward consequences and the retaliatory actions.⁸

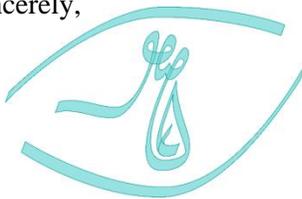
Holding the perpetrator and the victim of coercion equally accountable for fraud simply because both are listed as the authors on the fraudulent publications is against the spirit of the Code.

III. The Appeal

I respectfully request ACM to:

- 1) Implement policies re whistleblower protection consistent with Federal and California laws.
- 2) Clarify the Policy of Coercion and Abuse to distinguish the penalties for the perpetrator and the victim of a coerced violation.
- 3) Investigate and seek to remediate the untoward consequences of Li's and Pinscreen's coercive, abusive, and retaliatory actions.
- 4) Postpone the decision as to what extent I should be accountable in Li's and Pinscreen's fraud until the abovementioned requests are concluded.

Sincerely,



Iman Sadeghi, Ph.D.

October 14, 2022

⁷ ACM Policy of Coercion and Abuse ¶ 4 “Coercion and abuse often occur in situations where someone can exploit a power differential with another person, and the perpetrator will depend on that differential to keep the coercive or abusive acts from being reported. Victims should understand that those who engage in coercion or abuse may be repeat offenders and reporting them—although possibly daunting—is a service to the community of scholars the ACM serves.”

⁸ ACM Policy of Coercion and Abuse ¶ 5 “ACM Publications staff and volunteers will investigate reports of coercion and abuse, then seek to remediate any untoward consequences of those actions. Any retaliatory acts resulting from reports of violations are themselves serious breaches of this policy and will be handled accordingly.”

Exhibit A

Dr. Iman Sadeghi's Whistleblowing Timeline

- 2017-01-23: Dr. Iman Sadeghi signed the Employment and Confidentiality Contracts with Pinscreen Inc.
- 2017-02-02: Sadeghi started employment as Vice President of Engineering at Pinscreen
- 2017-03-09: Sadeghi objected to Dr. Hao Li's and Pinscreen's data falsification
- 2017-04-04: Pinscreen submitted falsified data to ACM SIGGRAPH RTL 2017 ("RTL")
- 2017-05-23: Sadeghi objected to Li's and Pinscreen's data falsification
- 2017-05-23: Pinscreen submitted falsified data to ACM SIGGRAPH Asia 2017
- 2017-07-22: Sadeghi threatened Li to report him and Pinscreen to ACM and USC
- 2017-08-01: Pinscreen's public deception at ACM SIGGRAPH Real-Time Live 2017 ("RTL")
- 2017-08-07: Sadeghi objected to Li's and Pinscreen's data falsification and public deception at RTL
- 2017-08-07: Pinscreen's wrongfully terminated Sadeghi in retaliation to his whistleblowing and objections
- 2018-06-11: Sadeghi filed a whistleblowing lawsuit in Los Angeles Superior Court - BC709376
- 2018-06-12: Sadeghi contacted ACM SIGGRAPH re Li's and Pinscreen's data falsification
- 2018-06-13: ACM contacted Sadeghi and inquired for additional information
- 2018-06-19: Sadeghi provided his Verified Complaint to ACM
- 2018-06-20: Li and Pinscreen denied Sadeghi's claims of data falsification in the LA Times
- 2018-07-03: ACM opened a formal investigation into the allegations
- 2018-07-03: USC contacted Sadeghi re the claims of data falsification against Li
- 2018-07-11: Sadeghi met with USC and provided additional information
- 2018-07-17: ACM stated that all other authors have categorically denied the claims of data falsification
- 2018-08-01: Sadeghi provided extensive evidence to ACM to substantiate all claims of falsification
- 2018-10-03: USC requested to speak to Sadeghi re the claims of falsification against Li
- 2018-10-09: Sadeghi provided his Verified First Amended Complaint to ACM
- 2018-11-09: Sadeghi met with USC committee re the claims of data falsification
- 2018-12-19: Sadeghi spoke with USC re the claims of data falsification
- 2018-12-19: Sadeghi provided extensive evidence to USC to substantiate all claims of falsification
- 2019-01-22: Sadeghi provided additional information to USC
- 2019-01-23: USC provided status update on the investigation to Sadeghi
- 2019-01-31: Sadeghi contacted Gitlab re preservation of Pinscreen's software repository during RTL
- 2019-02-04: USC informed Sadeghi that it is initiating a full investigation
- 2019-04-10: GitLab responded to Sadeghi re preservation of Pinscreen's software repository during RTL
- 2019-05-09: USC provided status update on the investigation to Sadeghi
- 2019-06-24: USC contacted Sadeghi and inquired for additional information
- 2019-06-28: Sadeghi spoke with USC re the claims of data falsification
- 2019-07-09: Sadeghi provided additional information to USC
- 2019-07-23: GitLab preserved Pinscreen's software repository during RTL
- 2019-08-13: USC provided status update on the investigation to Sadeghi
- 2019-12-06: USC contacted Sadeghi and inquired for additional information
- 2020-10-20: Sadeghi provided additional information including Li's discovery responses to ACM
- 2020-11-13: **USC produced its investigation results substantiating Sadeghi's claims**
- 2020-12-02: ACM provided status update on the investigation to Sadeghi
- 2020-12-03: Sadeghi provided additional information to ACM
- 2020-12-17: ACM inquired additional information from Sadeghi
- 2020-12-21: Sadeghi provided additional information to ACM
- 2021-09-17: Judge denied Pinscreen's motion to seal USC's investigation results
- 2021-09-29: Judge denied Pinscreen's second attempt to seal USC's investigation results
- 2022-03-18: USC's investigation results were made publicly available online
- 2022-05-27: Sadeghi provided additional information including USC's investigation results to ACM
- 2022-06-30: ACM provided status update on the investigation to Sadeghi
- 2022-09-14: **ACM notified of its investigation results substantiating Sadeghi's claims**