



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A01110038

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We received a phone call from the Chief Research Officer (CRO) of a public university¹ informing us of an ongoing administrative investigation concerning a recent NSF proposal. The university was investigating an allegation that two university professors² submitted a proposal³ to NSF which: (1) failed to seek permission from another NSF-sponsored research project to use its products as a part of the proposed research; (2) failed to give appropriate credit, via citation, to the research project and its principal investigators (complainants); and (3) damaged the research project's principal investigators ability to secure future funding for their research. We deferred our investigation while the university completed its investigation. The university completed its investigation promptly and forwarded its conclusions to us.

We reviewed the university's report and determined that subject 1 had previously been a co-PI with the complainants on an NSF-funded research grant⁴ to develop computer-based instruction materials. However, subject 1 voluntarily withdrew from the project not long after NSF-funded the grant and he did not materially contribute to the project. In late 2000, the subjects submitted a proposal to create computer-based educational materials. The subjects stated in their proposal that products from the complainants' grant would be "selected and recast" as a part of the their broader project. However, the subjects did not provide any credit or citation to the complainants' work nor had they formally requested permission to use those products as a part of their proposal.

The university's investigation committee determined that the subjects had committed "misconduct" because it "was clearly a violation of professional ethics to fail to acknowledge and respect the creative ownership rights" of the complainants. The committee felt it was "not in a position to judge" whether the subjects' actions were careless or deliberate in nature. Although they agreed that the subjects committed an ethical error, they drew upon a legal parallel describing the subjects' actions "as more closely resembling a misdemeanor offense than a felony" and that their actions "fall substantially short of belonging to the class of more

¹ [REDACTED]
² [REDACTED] (subject 1) and [REDACTED] (subject 2)
³ NSF Proposal [REDACTED] as the PI and [REDACTED] as the co-PI.
⁴ NSF Grant [REDACTED] as PI and [REDACTED] (subject 1) as co-PIs.

	Agent	Attorney	Supervisor	AIGI
Sign / date				



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reprehensible offenses." The university's action in response to the committee's report was to place written letters of admonishment into the subjects' personnel files.

NSF does require all principal investigators to maintain the highest ethical standards when developing and submitting a proposal to NSF. We agree that the subjects did not employ the highest levels of scholarly standards by not providing due recognition of the complainants or by not seeking permission for using their products before submitting the proposal. Although the university committee concluded that the subjects committed "misconduct", it appears the committee did so without considering the subjects' state of mind. In our view, the subjects' actions in this case, although inappropriate and careless, do not represent a "serious deviation from accepted practices" constituting misconduct under NSF's definition (45 CFR § 689.1 (a)(1)). We believe our decision is consistent with the findings of the university committee and with the actions taken by the university.

Accordingly, this case is closed and no further actions will be taken.