

NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A02040027

Page 1 of 2

An allegation of misconduct in science against the subject¹ was received from the complainant.² The specific allegation was that the subject did not have the proper Bureau of Land Management (BLM) permits for excavations in the 2000 field season, and that bones collected by the subject and his associates were improperly removed from the state.³ It was determined that the fieldwork was supported by NSF.⁴ The complainant represented a third individual⁵ in legal actions involving a state institution, BLM, and the subject. Information about this case was gathered from the subject, the subject's institution, and from the agency.

At the time of the subject's activities, BLM permits were designed to allow for flexibility to maximize research productivity and minimize dependence on office paperwork. Consequently, oral and emailed communications were permitted in lieu of formal written communications. When the subject arrived at the site for the dig, the subject believed he had arranged for a valid permit. This was untrue. However, BLM allowed the subject to make informal arrangements to be added to an existing permit. BLM expected the parties to discuss and agree on the terms of arrangement between themselves. No agreement on terms occurred. The two parties, site-coincident investigators, developed different research directions at the same site, and the professional relationship between the investigators became strained. It is apparently due to this strain that the charges of obstruction of access or specimen destruction were made.

Because BLM acknowledges internal disagreement in the scope and conditions of the permits under which the subject carried out his field research, it is impossible to make a clear determination of whether the subject had the proper permits at the proper times for the actions undertaken at the site. Since the allegation cannot be resolved unambiguously, and the disposition of the excavated bones has been resolved, and because there is no evidence for damage to NSF interests, the case should be closed.

The only remaining issue concerns the way in which the subject's institution handled the matter. The subject's university claims that they were not required to notify NSF of their early and ongoing involvement in this case because there were no substantiated allegations of research misconduct. However, the relevant statement in the Grant General Conditions is "any significant problems relating to the administration of an award." Significant problems were readily

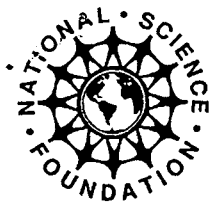
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³ It is the awardee's responsibility to obtain proper permits.

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Page 2 of 2

apparent. The University has not met the conditions of grant administration outlined in the Grant General Conditions. A letter describing our concerns about these administrative issues is being sent to the University in conjunction with the close of this case.

Accordingly, this case is closed.