

Closeout for M00030012

An NSF Program Director¹ informed us of allegations of misconduct in science he received from a reviewer.² The reviewer commented that she had not been properly cited by a PI³ for her role in the development of a probe singled out for use in his NSF proposal⁴, the PI misappropriated credit for himself and his collaborator⁵ in regard to development of the probe, and the PI plagiarized material from an unpublished manuscript, which she authored along with two previous collaborators (1 and 2),^{6,7} into the proposal. The reviewer also stated she could not gain access to the probe from collaborators 1 and 2 and that her role in its development had been supported under one or more past NSF awards.^{8,9}

Although the PI did not provide the reviewer with any probe-based citations in his proposal, he did state that the probe was developed in collaborator 1's laboratory.¹⁰ He also referenced a personal communication with collaborator 2 which provides the proposal an acceptable connection to material from the unpublished manuscript.¹¹ There is no evidence to suggest that the PI plagiarized material into the proposal or misappropriated credit for himself or his collaborator in regard to the development of the probe.

NSF's jurisdiction over the alleged refusal of collaborators 1 and 2 to release the probe to the reviewer is unconvincing because 1) NSF does not retain principal legal rights to intellectual property developed under its grants,¹² 2) NSF's expectations with respect to the sharing of findings, data, or other research products may not be readily enforceable, and 3) collaborators 1 and 2 did not directly receive NSF support in regard to their efforts in the development of the probe.

This case is closed and no further action will be taken.

cc: Investigations, IG

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Footnotes Redacted.