

## CLOSEOUT MEMORANDUM FOR M-01010003

The complainant,<sup>1</sup> a former graduate student (early 1980s) at a large university (the University), sent us a letter with multiple allegations.<sup>2</sup> His two central allegations cited six faculty members (subjects 1 through 6)<sup>3</sup> at the University when he was a graduate student. The complainant alleged that 1) the subjects misrepresented their graduate students' research as their own when they co-authored publications with these students without actually doing any of the research work,<sup>4</sup> when they listed these same co-authored publications in their NSF proposals as work they had accomplished, and when they published results from their graduate students' theses; and 2) the subjects failed to share fairly research grant money they received from awards with the graduate students/research associates they worked with. In addition to these six subjects, the complainant included hundreds of faculty members throughout the U.S. who he alleged worked and co-authored papers with their graduate students in the same manner. The complainant specifically alleged that his former thesis advisor, subject 1, prevented him from using research equipment purchased with grant money for graduate students' work. The complainant included many other allegations that related to graduate students' theses work, course work, graduate degrees, course grades, etc., that we determined were not within our jurisdiction.

Our review determined that we lacked jurisdiction over three of the six subjects: subjects 3 and 4 never received NSF support, and subject 1, the complainant's former thesis advisor, never received NSF support while he was at the university.

Subjects 2, 5, and 6 received NSF support in the 1980s while the complainant was at the University. The first set of allegations against these three subjects involved actions and activities that were then, and remain today, commonly accepted practices in the scientific and engineering communities.<sup>5</sup> With respect to the practice of co-authorship between advisor and advisee, although the details of the practice vary from discipline to discipline, from department to department, and, at times, from faculty member to faculty member

<sup>1</sup> [REDACTED] was a former graduate student in the [REDACTED] (the University).

<sup>2</sup> The complainant refers to violations of RICO, of state and labor laws, of copyright laws, and of The False Claims Act with some of these allegations.

<sup>3</sup> The complainant names specific people who worked in the University's [REDACTED] as subjects. These included the following: Subject 1, [REDACTED] subject 2, [REDACTED] subject 3, [REDACTED] subject 4, [REDACTED] subject 5, [REDACTED] and subject 6, [REDACTED]

<sup>4</sup> All six subjects were in [REDACTED] University when the complainant was a student.

<sup>5</sup> The complainant has said that "NSF is being staffed by this kind of advisers [sic]; it does not come as news to them." He goes on to say that he "realize[s] my complainant raises an issue that may be deemed as sticky to have to investigate a system of its heart. And since NSF is staffed by individuals serving as advisers themselves it generates a conflict; as to how forthcoming they would be in chasing their own colleagues. How can they arrive at a conclusion for the rest of the advisers as doing something wrong, since themselves engage in the same wrongful practice?"

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within a department, the general practice is commonly accepted, including publishing parts of thesis material prior to, and or after, the completion of the thesis. Further, it is commonly accepted practice that PIs list these same co-authored publications in NSF's submitted proposals. There is no evidence the subjects did anything wrong.

With respect to the second allegation, grants are to institutions, not individual researchers, so the responsibility for the disposition of funds rests with each institution, not the individual PI. Further, given that 15 years have elapsed since the alleged unfair distribution of funds occurred, there is no expectation that the University has any records of these transactions because NSF's retention policy for grant-related materials is 3 years following the closure of the award.

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

cc: Investigations, IG