

## CLOSEOUT FOR M91050021

This case was brought to OIG by Drs. [REDACTED] and [REDACTED], two NSF program officers, on April 26, 1991. They had received an April 8, 1991, letter from Dr. [REDACTED] (the complainant) of the [REDACTED] (the department) at [REDACTED] (the university). In his letter, the complainant requested that his name be removed from proposal [REDACTED] (the proposal), entitled [REDACTED] " [REDACTED] " for which he was designated as PI. This letter was followed one week later by letters from the complainant and from Dr. [REDACTED], the authorized institutional representative for the university, requesting that the proposal itself be withdrawn.

The complainant, a faculty member in the department at the university, alleged in his letter that Dr. [REDACTED] (the first subject), then head of the department, had inserted false statements into the proposal. The complainant had reported his allegation, along with a variety of other complaints about the first subject's treatment of the complainant and management of the department, to Dr. [REDACTED] (the second subject), then Dean of the [REDACTED] at the university. The complainant contacted NSF when, six months after he had made his complaints to the university, they remained unresolved. The complainant's letter to NSF prompted the university president, Dr. [REDACTED] (the third subject), to chastise the complainant for unprofessional conduct in raising this unsubstantiated allegation about false statements with NSF before the university had itself resolved the matter. At about the same time, the complainant filed a series of grievances on a variety of topics against the first and second subjects. The complainant's grievances were explored by Dr. [REDACTED] (the fourth subject), then Vice President for Academic Affairs at the university. The complainant alleged that the fourth subject's consideration of his grievances constituted a cover-up and involved collusion in efforts to retaliate against him.

The university suspended its processing of the complainant's grievances when the complainant filed suit against the university. OIG suspended further inquiry into this matter until the law suit was resolved, because the pending law suit appeared likely to resolve outstanding factual issues and immediate action did not appear to be required to protect a vital NSF interest. The complainant's law suit remains pending more than five years after it was initiated.

This case involved two allegations of misconduct in science. The first was that the first subject deliberately or recklessly inserted false statements into the proposal (the false

statements allegation). The second concerned alleged retaliation by the subjects against the complainant for being a whistleblower (the retaliation allegation).

### **The False Statements Allegation**

A disinterested faculty committee at the university determined that the first subject inserted false statements about minority student participation in ongoing activities into the proposal without the complainant's knowledge. Although the first subject has maintained that the statements were included as a result of a "misunderstanding" about whether planned projects were already under way, the committee concluded that "there was reason to believe" the first subject inserted the statements deliberately, and that, even if he did not, he "should certainly have been aware" that some of the representations he inserted were false. The university reprimanded the first subject in writing for his action.

OIG concluded that it was unnecessary for NSF to consider further action concerning this matter at this late date, over seven years after NSF had been notified of the first subject's alleged misconduct. We noted that, even if the allegations were true and NSF had found that the actions constituted misconduct in science under NSF's definition, any timely actions that NSF would have taken regarding the subject would no longer be in effect.

### **The Retaliation Allegation**

The complainant cited numerous actions by the subjects that he believed constituted retaliation against him. Among the most serious of these was an alleged retaliatory salary reduction. Some of these allegations have been considered by the university's faculty committee and by an investigator for the federal Equal Employment Opportunity Commission. None has been sustained. Many of these allegations are at issue in the complainant's pending law suit against the university. If, when the law suit is resolved, facts come to light that suggest that NSF needs to take action concerning this matter, and might feasibly and fairly do so after the passage of so much time, we will consider reopening this case.

This inquiry is closed and, except as noted above, no further action will be taken in this case.

cc: Integrity, IG