

CLOSEOUT FOR M92040015

This case came to OIG on April 22, 1992, when we received a message from [REDACTED], a program officer in the Division of [REDACTED] at NSF, headed by [REDACTED] (the division director). The case concerned proposal [REDACTED], submitted by [REDACTED] (Subject #1), [REDACTED], and [REDACTED] of [REDACTED] (the subjects) and entitled [REDACTED]. This proposal had been sent to [REDACTED] (the complainant) of [REDACTED] for review.

The complainant read the proposal and was concerned that the subjects used a [REDACTED] that was in some unspecified sense his intellectual property in their experiments. He expressed this concern to the subjects, who brought the matter to the attention of the program officer over one month before she brought it to OIG. According to the program officer, Subject #1 told her that the complainant demanded that the subjects withdraw the proposal and rejected their offer to make him a co-P.I. The program officer asked Subject #1 whether the [REDACTED] was central to the proposal and ascertained that it was not. She advised the subject to wait a few days to see whether the complainant reconsidered. She further advised that, if he did not, the subject should withdraw the proposal and resubmit it using a different [REDACTED]. The program officer then consulted her division director to discuss how they could facilitate a speedy review for the forthcoming revised proposal.

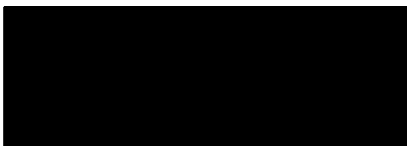
The subjects withdrew the proposal within a week of Subject #1's conversation with the program officer. Approximately two weeks later, the complainant called the program officer and attempted a ruse to determine whether the proposal had indeed been withdrawn. The complainant followed this with a letter apologizing for his ruse and claiming that he and the subjects had collectively agreed that the proposal should be withdrawn. After receiving this letter, the program officer contacted OIG.

OIG repeatedly contacted the complainant and requested more information from him to ascertain whether there was an allegation of misconduct in science here and in what that allegation consisted. When the complainant did not comply with our requests, we wrote to him setting a deadline for his response, but offering to extend the deadline if he needed more time to fashion an adequate reply. OIG lacks the information to pursue this case without the complainant's cooperation, and the deadline has passed without the complainant replying. We therefore have no alternative but to close this case.

On May 13, 1992, OIG issued a bulletin (No. 92-01) that instructs NSF program staff how to handle allegations of misconduct in science. That bulletin explains that all such allegations

should be referred immediately to OIG, and that program staff should not attempt to resolve these matters themselves. Shortly after OIG received this case, OIG staff met with the program officer and the division director to make sure that they understood that their handling of this matter was contrary to NSF policy and that they knew how to handle allegations of misconduct in the future. When we informed the program officer and the division director that the case was closed, we reminded them that misconduct matters should be brought to OIG promptly and that informal agreements to withdraw proposals were not an appropriate way to deal with allegations of misconduct.

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



2/23/94

Staff Scientist, Oversight

Concurrence:

Donald E. Buzzelli 3/21/94

Donald E. Buzzelli
Deputy Assistant Inspector General for Oversight

notes

James J. Zwolenik 3/28/94
James J. Zwolenik
Assistant Inspector General for Oversight

A handwritten signature in ink.

Montgomery K. Fisher
Counsel to the Inspector General

cc: Signatories
Inspector General