

CLOSEOUT FOR M93080045

This case came to OIG on August 2, 1993. [REDACTED] program director [REDACTED] brought us a letter and legal brief written by [REDACTED] (the complainant), formerly a graduate student working in the laboratory of [REDACTED] (the subject).

The complainant alleges that the subject and [REDACTED] officials of the university unfairly dismissed the complainant from the subject's research group and, because this is the university's [REDACTED] laboratory doing research in this area, from the university's graduate program. The subject rejected the complainant's proposed dissertation research as being not in a suitable topic area and not of sufficient scientific merit. The complainant argues that his proposed topic was superior to topics previously approved for other students. He also claims that the subject prejudiced other faculty against the plaintiff's research plans. The complainant alleges that the subject aided other students whose work he found valuable, both in his own laboratory and at other universities, to receive PhD. degrees. The complainant also claims that the subject illegally searched the complainant's belongings that were piled in the subject's laboratory, that the subject "covered up" the complainant's allegations about problems in the subject's laboratory, and that the university violated the complainant's due process rights in its handling of his grievances.

None of these allegations involves an NSF proposal or award. Although the subject was funded by NSF, the complainant's allegations concern the subject's activity as a professor and graduate advisor and not activities under his NSF grant. Similarly, the university's grievance procedures deal with the subject's activities as advisor and professor and not with his activities under his NSF grant. Moreover, the allegations, even if true, do not constitute misconduct in science. Most of them involve no more than arbitrary behavior in the context of an intellectual dispute between a teacher and his student. The complainant's eventual dismissal from the university was caused by his failure to produce an acceptable dissertation proposal and not by his filing of a grievance. Hence it does not involve retaliation against a whistleblower. Searching for papers in one's own laboratory is not misconduct.

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

[REDACTED] 1/8/93
Staff Scientist, Oversight

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Concurrence:

Donald E. Buzzelli 11/15/93

Donald E. Buzzelli
Deputy Assistant Inspector General,
Oversight

Noted

James J. Zwolenik 11/23/93

James J. Zwolenik
Assistant Inspector General for Oversight

MRF

Montgomery K. Fisher
Counsel to the Inspector General

cc: Signatories
Inspector General

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