

## CLOSEOUT FOR M-93100056

On 29 October 1993 OIG received allegations of misconduct in science in a letter from complainant #1 [REDACTED] and complainant #2, [REDACTED]. In total, OIG received four letters from the complainants that contained nine allegations of misconduct in science involving seven NSF proposals.<sup>1</sup> Seven of the allegations involved the violation of the confidentiality of the peer review process that resulted in the publication of the complainants' proposed ideas by reviewers; one allegation involved the intellectual theft of complainant #1's ideas by a research collaborator; and one allegation involved a conflict of interest (COI) with two reviewers for one of the complainants' proposals that resulted in negative reviews. The complainants also alleged that violations of the confidentiality of the peer review process occurred with proposals they submitted to the National Institute of Standards and Technology and the Nuclear Regulatory Commission. The complainants informed these agencies of their allegations.

The following individuals were identified as subjects by the complainants:

subject #1; [REDACTED] subject #2; [REDACTED] subject #3; [REDACTED]  
subject #4; [REDACTED] subject #5; [REDACTED] subject #6; [REDACTED]

<sup>1</sup> The allegations are associated with the following NSF proposals: [REDACTED]

<sup>2</sup> He is [REDACTED]

<sup>3</sup> He is [REDACTED]

<sup>4</sup> He is [REDACTED]

<sup>5</sup> He is [REDACTED]

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subject #7; [REDACTED] subject #8; [REDACTED] subject  
#9; and [REDACTED] subject #10.

**Allegation 1.** Subject #1 allegedly violated the confidentiality of peer review when he published<sup>10</sup> ideas gained through the review of complainant #1's NSF proposals [REDACTED]. [REDACTED] OIG determined that subject #1 did not review [REDACTED] these proposals. OIG concluded that there was no substance to the allegation that subject #1 violated the confidentiality of peer review.

**Allegation 2.** Subjects #2 and #3 allegedly violated the confidentiality of peer review when each published<sup>11</sup> ideas gained through the review of NSF proposals [REDACTED] [REDACTED]. OIG determined that neither subject reviewed any of the four proposals. OIG concluded that there was no substance to the allegation that subjects #2 and #3 violated the confidentiality of peer review.

**Allegation 3.** Subjects #4 and #5 allegedly violated the confidentiality of peer review when they published<sup>12</sup> ideas gained through the review of NSF proposals [REDACTED]. [REDACTED] OIG determined that neither subject reviewed any of the [REDACTED] proposals. OIG concluded that there was no substance to the allegation that subjects #4 and #5 violated the confidentiality of NSF peer review.

<sup>6</sup> He is [REDACTED]

<sup>7</sup> He is [REDACTED]

<sup>8</sup> He is

<sup>9</sup> He is [REDACTED]

<sup>10</sup> The article is entitled [REDACTED]

11 [REDACTED]

12 [REDACTED]

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**Allegation 4:** Subjects #5 and #6 allegedly violated the confidentiality of peer review when they published<sup>13</sup> ideas gained through the review of NSF proposals [REDACTED]

published<sup>14</sup> ideas gained through the review of NSF proposal [REDACTED] b7C  
the computerized proposal and award system showed that subject #7 had not participated with [REDACTED]

published<sup>15</sup> ideas gained through the review of NSF proposals [REDACTED]

**Allegation 7.** Subjects #1, #2, #7 and #8 allegedly shared ideas gained through the review of the complainants' NSF proposals with each other. A review of the alleged links between the

<sup>13</sup> The paper entitled [REDACTED] was authored by [REDACTED]. It appeared in [REDACTED].

14 The published articles were:

<sup>15</sup> The paper entitled [REDACTED]

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ideas gained through the review process. OIG concluded that there was no substance to the allegation that these subjects violated the confidentiality of peer review by sharing ideas gained through the review of the complainants' proposals.

**Allegation 8.** Subject #9 allegedly used ideas, without complainant #1's permission, from an NSF-funded proposal [REDACTED] submitted jointly by complainant #1 and subject #9. The jointly funded proposal was for the purchase of equipment and the ideas presented in it were to justify the equipment purchase. OIG determined that the ideas in the jointly funded proposal were part of a collaborative relationship that apparently ended when complainant #1 departed from the grantee institution three years later. Subject #9 had been working in the area of study represented by the jointly funded proposal before it was submitted. After complainant #1's departure, subject #9 continued to work in this area of study and received another NSF grant to do so. Eight years after the joint proposal was funded, subject #9 published results that complainant #1 alleged had stemmed from ideas contained in their joint proposal. OIG determined that, even if subject #9's published results represented ideas originally presented in their joint proposal, he was under no obligation to get complainant #1's permission to publish them eight years later. OIG concluded that there was no substance to the allegation that subject #9 committed intellectual theft.

**Allegation 9.** The complainants believed that subjects #7 and #10 reviewed their NSF proposal [REDACTED]. The complainants claimed that subjects #7 and #10 had an earlier student/mentor relationship that strongly influenced each of them and that both subjects supported technologies that competed with those in the complainants' proposal. As a result, the complainants alleged that both subjects had undeclared COIs and that, consequently, their evaluations were unfair. OIG determined that one of the two subjects did not review the complainants' NSF proposal, and, while the other subject did review the complainants' proposal, there was no evidence that he had a COI or that his review was unfair. OIG noted that the subject's review was similar in substance and final appraisal to the other reviews of the complainants' proposal. OIG concluded that there was no substance to the allegation that subject #10 had a COI that resulted in an unfair review of the complainants' proposal.

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