

CLOSEOUT FOR M-93120066

On December 20, 1993, OIG received allegations of misconduct in science from the complainant, [REDACTED]

[REDACTED] The complainant alleged that scientists at three institutions [REDACTED] and [REDACTED] (the Council) [REDACTED] falsified experimental results that were related to the testing of a new design to protect buildings from [REDACTED] damage. These falsified results were allegedly used in support of the adoption of a new [REDACTED] building code regulation that incorporated these new design changes. In addition, he alleged that because the complainant opposed the new building code regulation, (1) the Council had refused to accept two abstracts he submitted to their seminar on [REDACTED] research; (2) the [REDACTED] [REDACTED] had mismanaged his NSF award [REDACTED] by not providing him with additional funding following the completion of his one-year award; and (3) NSF reviewers had retaliated against him by not approving continued funding at the completion of his one-year award.

OIG reviewed the complainant's NSF award including the award letter, the final report, and the reviewers' comments. OIG contacted the complainant, who provided additional information.

With regard to the first allegation, the complainant alleged that scientists at the three institutions intentionally manipulated equation coefficients and mishandled experiments associated with [REDACTED] calculations as they related to their study of a new design. The complainant claimed that these falsified results were used to support the adoption of a new building code regulation that encouraged the use of a new design for buildings, a design that was unsafe.

OIG learned from questioning the complainant that he had no evidence that scientists at the institutions were using the wrong coefficients and mishandling experimental results. Rather, he explained that he just felt that their results were not correct as he evaluated the situation. The complainant explained that an open discussion was necessary to discover the real truth, a dialogue that might prove that everyone, including him, was wrong.

OIG found that the complainant had already actively publicized and communicated his concerns to the public, the federal government, and the relevant scientific and engineering communities. By the complainant's own admission, he and the scientists at the three institutions were involved in a scientific dispute concerning [REDACTED] calculations as they related to a building code regulation for a new design. A scientific dispute such as this is a part of the

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process of science and as such is not an issue of misconduct in science.

With regard to the second allegation, the complainant stated that the Council had refused to accept two of his abstracts submitted as a part of a call for papers for a seminar co-sponsored by NSF because he opposed a new building code regulation associated with a new design that scientists at the Council supported. OIG determined that the selection of papers for a conference is the responsibility of the conference organizers and as such is not an issue of misconduct in science.

With regard to the third and fourth allegations, the complainant claimed that he had not received additional funding following the completion of his one-year NSF award because of mismanagement within an NSF section and because of retaliation by NSF reviewers. He alleged that both the mismanagement and the retaliation allegations were the direct consequence of his stated opposition to the adoption of a new building code regulation, which he clearly stated that he opposed in his final NSF report - a position that he claimed was counter to that of the established scientific community. The complainant fully expected that, after he submitted the final report to NSF for his theoretical study, funding for the experimental aspects of his original proposal would follow.

OIG determined that the complainant had received a one-year award, the terms and conditions of which did not provide additional future support. For additional support the complainant needed to submit a renewal proposal, which he did not do. The fact that English was not the complainant's native language resulted in several misunderstandings between NSF staff and the complainant with respect to NSF policy and procedures. OIG determined that the complainant had misunderstood the conditions and intent of his one-year award. Because the complainant had not submitted a renewal proposal, no reviewers were involved with any consideration for additional funding with the complainant's one-year award. OIG also determined that NSF program directors involved had been careful to ensure that the complainant had been treated fairly and honestly.

OIG concluded that there was no substance to the allegation that mismanagement had occurred by NSF staff or to the allegation that retaliation had occurred on the part of NSF reviewers to prevent the complainant's receipt of additional funds with respect to his award.

OIG determined that the complainant's allegations were either not issues of misconduct in science or had no substance. This case was closed.

cc: Senior Scientist, Deputy AIG-Oversight, AIG-Oversight, IG