

CLOSEOUT FOR M94020002

On February 2, 1994, Dr. [REDACTED], program director for [REDACTED] in the [REDACTED] Program of NSF's Division of [REDACTED], informed OIG that he had received an electronic mail message from Dr. [REDACTED] (the complainant) of the [REDACTED]. The complainant alleged that Dr. [REDACTED] of [REDACTED] (the subject) had "overtly and deliberately" attempted to sabotage the complainant's NSF supported research.¹ The complainant related two incidents of alleged sabotage. The complainant further alleged that two assistants working under the subject's direction exposed the complainant and persons associated with his project to unreasonably dangerous conditions.

At the time of the alleged misconduct, the projects directed by the subject and the complainant shared facilities and equipment at a remote field research site in a foreign country. In one incident of alleged sabotage (Incident #1), the subject allegedly promised the complainant access to a piece of equipment necessary for his research; encouraged him, in light of this promise, to use his equipment funds for other project-related expenses; and then unreasonably denied him access to the promised equipment in circumstances that made it practically impossible for his project to obtain suitable substitute equipment in a timely fashion. In the second incident of alleged sabotage (Incident #2), the subject allegedly provided government officials in the foreign country with false information concerning the complainant's compliance with government regulations, thereby threatening the complainant's ability to continue his research in the country. In the incident of alleged exposure to unreasonably dangerous conditions (Incident #3), the complainant's account raised the possibility that the subject's research assistants had acted with the subject's knowledge, consent, or encouragement to imperil the complainant and his associates.

OIG contacted the complainant, the complainant's research assistant [REDACTED] and the subject to get their accounts of these three incidents and their explanations of their conduct in them. The subject supplied documentary evidence

¹At the time of the alleged misconduct, both the subject and the complainant were supported by NSF awards. The subject's award was [REDACTED] entitled "[REDACTED]." Dr. [REDACTED] was co-principal investigator on the project. The complainant's award was [REDACTED] entitled "[REDACTED]."

concerning these incidents, including accounts written by her research assistants (b)(6) and (b)(7)(C) at the time the incidents occurred.

OIG's inquiry concluded that only the incident regarding the equipment (Incident #1) raised evidence of possible misconduct in science and required investigation. We referred the matter to the subject's university, which performed an investigation. The university concluded that the subject had behaved appropriately and had not committed misconduct. The committee found that the subject had permitted the complainant access to easily repairable equipment and had made him aware of how this equipment could be repaired. While noting that there was contradictory evidence about how repairable the substitute equipment was and what instruction the subject provided about how it could be repaired, the committee found that the accounts by the subject and her assistants were on the whole more credible than those of the complainant. It further found that the subject, on the basis of the complainant's behavior after the subject promised him access to her equipment, had evidence that the complainant's project might be careless about the needs of the subject's project and had reason to be concerned that the complainant would misuse the subject's equipment. The committee concluded that the subject had prudently balanced her responsibilities to her project and its employees, on the one hand, with her responsibility to cooperate with another scientist, on the other.

OIG's inquiry concluded that there was no substance to the allegation that the subject had attempted to sabotage the complainant's work by giving government officials false information (Incident #2). The subject supplied a copy of her letter to the relevant government office concerning the complainant's project, and OIG determined that it was not inaccurate. We concluded that the complainant's difficulties with the government office were caused by incorrect inferences that the office drew from the information it received and not by alleged misconduct by the subject.

OIG's inquiry also concluded that there was no substantial evidence that the subject had committed misconduct by causing or permitting the complainant or other persons associated with his project to be exposed to unreasonably dangerous conditions (Incident #3). The university investigation gathered further evidence concerning the incident at issue, and this evidence reaffirmed OIG's conclusion. OIG reviewed the subject's written instructions to her assistants concerning cooperation with the complainant's project and concluded that these appeared reasonable, and certainly could not be considered seriously inappropriate. We received testimonials from the subject's colleagues and collaborators indicating that the subject in no way instructed her associates to be uncooperative. The university investigating committee interviewed the subject's assistants. They explained that they had been instructed to cooperate with the complainant's project, that their actions had been prompted by reasonable fears for their own safety, and that they had taken steps to ensure that no one associated with the complainant's project underwent harm. The testimony of the complainant's research assistant tended to confirm these last two points.

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OIG accepted the university's conclusion that no misconduct occurred in this case. This investigation is closed and no further action will be taken regarding this matter.