

## CLOSEOUT FOR M94020005

This case came to OIG on February 17, 1994, when [REDACTED] NSF program director for [REDACTED] in the Division of [REDACTED], contacted us concerning a problem with [REDACTED]. The proposal, entitled [REDACTED] was submitted by [REDACTED] (the subject) of the [REDACTED]. The subject suggested [REDACTED] (the complainant) of [REDACTED] as a possible reviewer. When the program officer called the complainant to ascertain whether he would be interested in reviewing a proposal on this topic, the complainant identified the P.I. from the program officer's one sentence description of the subject matter of the proposal. The complainant expressed concern that this proposal might derive from an earlier collaborative proposal that he and the subject had written and submitted to an unnamed organization. He asked to see the NSF proposal to determine if there was an ethical problem.

When the program officer contacted OIG, we advised him not to send the proposal to the complainant for review, noting that his ethical concerns might bias his evaluation of the substance of the proposal.

OIG telephoned the complainant and requested that he send us a copy of the collaborative proposal so that we could determine whether there was reason to believe that the subject had committed intellectual theft. The complainant refused this request and asked that OIG instead send him a copy of the subject's proposal. We explained to him that NSF policy is to treat proposals as confidential and to send them only to peer reviewers or, if necessary, to objective experts recruited by OIG to assist in misconduct inquiries. The complainant stated that he was unwilling to send us a copy of the collaborative proposal without the subject's knowledge and that he had insufficient basis for any ethical concerns to justify informing the subject that there might be an ethical problem. Because the complainant did not tell us to what organization he and the subject had submitted their collaborative proposal, OIG cannot try and obtain the proposal from anyone other than the complainant and the subject.

The complainant offered a brief verbal description of his own contribution to the collaborative proposal. OIG examined the NSF proposal and determined that one part of it proposed using materials originally developed by the complainant, whose published work was cited in connection with these materials. We concluded that without knowing what exactly the two researchers had developed collaboratively, it would not be possible to determine definitively whether the subject had stolen the complainant's ideas.

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The complainant subsequently informed OIG that he had asked the subject whether the subject was independently seeking funding for work involved in the collaborative project. The subject replied that he was pursuing independent funding for his own part of the research. The complainant told OIG that he was satisfied with this reply and did not wish to pursue the matter further.

The available evidence, especially the subject's suggestion that the complainant review the proposal and the subject's statement to the complainant that he was pursuing independent funding for his own portion of the collaborative project, does not support an allegation of misconduct. Although an examination of the collaborative proposal could settle any lingering doubts about possible misconduct, we believe that under the circumstances there is no basis for contacting the subject and requesting a copy of the proposal. To do so might jeopardize an ongoing collaboration in order to exclude a remote possibility of misconduct.

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

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