CLOSEOUT FOR M95010002

On January 6, 1995, OIG was informed of allegations of intellectual theft and violation of the confidentiality of peer review by Dr. ████████████ an NSF program director for the ██████████ Program in the Division of ███████████████████████████ within the Directorate for Engineering. The NSF program officer had received several electronic mail messages from the complainant, Dr. ██████████ The complainant is a faculty member in the Department of ██████████████ at ██████ University. The complainant had sent electronic messages containing the allegations to several colleagues, the NSF program director, and a program director at another federal agency. In his messages he alleged that at a scientific meeting an unidentified individual from a competing research group had presented a device prototype similar to a design found in the complainant's and his colleagues' NSF and other federal agency proposals. The complainant alleged that the individual obtained the idea for the prototype during his or her peer review of either or both of the proposals. In response to the complainant's initial electronic message, an Internet discussion between the complainant and his colleagues about how to handle the allegations ensued.

OIG contacted the complainant and explained its management of misconduct allegations and the confidentiality with which such cases were handled. The complainant communicated this information to his colleagues. The complainant identified the subject as Dr. ██████████ whom he described as a research group head at the ██████████ ████████████ (the institution). OIG learned that there was no individual by that name employed by the institution and that, according to NSF's Reviewer History System, the subject had not reviewed the complainant's NSF proposal ██████████ The proposal was entitled, ████████████████████████████████████ and was the only proposal identified by the complainant as containing the design allegedly stolen by the other research group.

OIG contacted the program officer at the other federal agency and learned that that agency's proposals are only reviewed at the agency or at a central location. They not sent out for review and are collected after the review meeting is over. Only government employees are used as reviewers. Thus the individual identified by the complainant as the subject could not have reviewed the complainant's proposal. The program officer said that he did not consider the idea the complainant alleged was stolen to be "a huge leap of intuition." He thought that any "reasonably competent" scientist in that field could arrive at the same design.

When asked, the complainant would not further identify the subject. He said he had seen the prototype device at an exclusive premeeting and thought it highly likely that, if OIG

contacted the subject, he would be identified as the complainant. He added that he and his colleagues were insulted because NSF had declined their proposal. OIG explained the separation between NSF's programmatic decisions and OIG's administration of misconduct-in-science cases. Despite OIG's assurances that its policy was to keep the identities of complainants confidential, the complainant in this case would not provide information to allow OIG to pursue the case further.

OIG concluded that, because the individual identified by the complainant had not reviewed his NSF proposal and, on the basis of information from the other agency's program officer, had not reviewed the other agency proposal, there was no evidence to support the complainant's allegation that the confidentiality of peer review had been violated. OIG further concluded that the existence of a prototype similar to the complainant's design was not evidence of intellectual theft because, in the other agency's program officer's opinion, any "reasonably competent" scientist would have been able to develop the same design. Therefore, OIG concluded that the complainant had supplied insufficient evidence to pursue this case, and the existing evidence did not support the complainant's allegations.

OIG closed this inquiry and will take no further action in this case.

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