

## CLOSEOUT FOR CASE M-95050020

On 26 May 1995, the complainant<sup>1</sup> brought an allegation of misconduct in science to OIG's attention. The complainant explained that an *ad hoc* reviewer<sup>2</sup> of the subject's<sup>3</sup> recent NSF proposal<sup>4</sup> commented that the subject did not share with other scientists samples of biological cultures<sup>5</sup> that he had developed 10 years earlier. The complainant explained that the *ad hoc* reviewer discussed his concerns about the subject's failure to share the samples with him.

The subject's proposal was one of four identical proposals submitted as a collaborative research project by four PIs from four institutions.<sup>6</sup> The collaborative research project was reviewed as if it were a single proposal. As is NSF's practice, verbatim copies of the *ad hoc* reviews were sent to each of the four PIs. One of the PIs wrote to the Division Director defending the subject and stating that the *ad hoc* review addressing the sample-sharing concerns contained undocumented and unsubstantiated complaints against the subject. The PI categorically denied that any of the four PIs had done anything wrong.

The Acting Division Director<sup>7</sup> explained that, in his view, it was appropriate for the *ad hoc* review containing the discussion about the subject's sample-sharing practices to have been sent to the four PIs. He explained that sample-sharing problems need to be resolved by the programs when they occur and sharing the *ad hoc* reviewer's comments about the problem was one way to approach the matter. NSF's Grants Proposal Guide (GPG) states that NSF "advocates and encourages open scientific communication," and that "[i]t expects PIs to share with other researchers, . . . the data, [and] samples, . . . created or gathered in the course of work." (NSF 95-27, page 22) Program managers are given the responsibility to "implement these policies, in ways appropriate to field and circumstances, through the proposal review process . . ." (NSF 95-27, page 22) In this case, the *ad hoc* reviewer expressed his concern and the NSF program manager

<sup>1</sup> The complainant, [REDACTED] was the [REDACTED]

<sup>2</sup> The *ad hoc* reviewer, [REDACTED] is a [REDACTED]  
at [REDACTED]

<sup>3</sup> The subject, [REDACTED] was a [REDACTED]

<sup>4</sup> The subject's NSF proposal, [REDACTED] was entitled [REDACTED]

<sup>5</sup> The cultures were [REDACTED]

<sup>6</sup> The four proposals submitted [REDACTED]

<sup>7</sup> [REDACTED] was the [REDACTED]

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forwarded the information to the subject. One of the four criteria used as a basis for the selection of NSF research proposals, performance competence, "covers the investigator's record of past research accomplishments, including, where significant, communication of findings and sharing of data and other research products" (NSF 95-27, page 13). OIG found that the panel had briefly discussed the *ad hoc* reviewer's comments about the subject's failure to share samples with other scientists, but that the panel's decision to decline the collaborative research project was based on substantive scientific grounds and that the issue of sample sharing played no role in its decision.

OIG contacted the *ad hoc* reviewer to learn more about the sample-sharing problem. He told us that he wrote the review intentionally to draw attention to the problem. He said that he had requested a sample of one of the cultures from the subject on several different occasions over the last few years, but had never received it.

OIG's review of the subject's NSF proposal jackets showed that he first reported in 1993 his ability to produce the culture the *ad hoc* reviewer requested, and that he did not have the ability to produce the culture 10 years earlier as originally claimed by the *ad hoc* reviewer. From the time of this first report until OIG's receipt of the allegation, the subject had the knowledge to produce the culture; however, a combination of health problems and his laboratory's relocation adversely affected his ability to supply the culture sample to the *ad hoc* reviewer. As a result of this information, OIG elected to wait an academic year before contacting the *ad hoc* reviewer again to learn if he had received the requested culture sample from the subject. When OIG contacted the *ad hoc* reviewer, he explained that a group of scientists involved with this matter had met at a scientific meeting and discussed the need to share samples freely. He explained that he was very pleased with the outcome of the meeting and that everyone present, including the subject, agreed to share samples. The *ad hoc* reviewer expressed his confidence that the subject would supply him with the sample he requested. From the information available to OIG at this time, we concluded that the matter of sample sharing is progressing in a positive manner and that there is no need for OIG to remain involved. In the future, either the *ad hoc* reviewer or the complainant is free to bring additional allegations about this matter to our attention if it should prove necessary.

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

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