

CLOSEOUT FOR M95080035

This case came to OIG on August 22, 1995, when Dr. [REDACTED] of NSF's Office of Polar Programs in the Office of the Director sent us an electronic mail message he had received from [REDACTED] (the complainant), the South [REDACTED] responsible for NSF funded research at [REDACTED]. The complainant was concerned about the treatment of human subjects under NSF award [REDACTED], entitled [REDACTED]. The PI, [REDACTED] University (the subject), had given a colloquium at the University of [REDACTED]. The colloquium was attended by Mr. [REDACTED], a reporter for the [REDACTED] (the newspaper). The newspaper published an [REDACTED] 1995 article written by the reporter about the subject's research. The complainant alleged that the newspaper article indicated that the subject had divulged confidential information about the people he studied under his award to the reporter.

OIG examined the newspaper article. Nothing in the article indicated that the subject revealed the names of any research subjects without permission, nor was the subject alleged to have done so. The article reported anecdotes involving anonymous individuals to illustrate certain scientific findings. Publishing anonymous anecdotes such as these is common in the subject's discipline. OIG concluded that, although persons intimately familiar with the setting that the subject studied might guess the identities of individuals about whom the subject recounted anecdotes, the subject had taken the commonly accepted precautions to preserve the anonymity of the people he studied.

OIG also examined the subject's proposal to NSF. OIG noted that the institutional review board for the protection of human subjects at the subject's institution had reviewed the subject's proposal and concluded that the subject's research posed "no more than minimal risk" to the people the subject planned to study. The subject proposed no unusual precautions to protect the anonymity of the people he studied, and neither his institution nor NSF insisted on any. OIG also noted that none of the scientists who reviewed the subject's proposal questioned the adequacy of the subject's procedures for protecting the anonymity of the people he planned to study. No unanticipated developments took place that should have prompted the subject to take steps to protect human subjects beyond those that he proposed to NSF. OIG concluded that, under these circumstances, the subject could not be considered to have

committed misconduct for failing to take unusual precautions to protect anonymity.

OIG asked the complainant if he had evidence that the subject made promises of confidentiality or anonymity that he then breached when he made his colloquium presentation. The complainant told OIG that he himself had not been made such promises. Despite OIG's repeated requests, the complainant did not supply OIG with the names of other people to whom the subject allegedly made and broke promises of confidentiality. OIG concluded that there was no evidence that the subject's conduct seriously deviated from accepted practices for protecting either the anonymity of research subjects or the confidentiality of information that they supplied.

One purpose of the subject's research was to study relationships among the small group of people in the subject's research setting. The subject therefore sought data from respondents about their relationships with their coworkers and distributed a questionnaire to elicit these data. The complainant alleged that the subject, by naming the complainant in the questionnaire, made the complainant a subject of research without the complainant's consent. OIG determined that the subject had a legitimate research purpose in using the complainant's name and did not divulge any confidential information in doing so. Under these circumstances, we concluded that failing to obtain consent from the complainant could not be considered misconduct in science.

Balancing the privacy interests of research subjects against the scientific community's interest in open reporting of scientific findings is an enduring dilemma in behavioral science research. In the wake of the incident that gave rise to OIG's inquiry, NSF program managers discussed with OIG possible steps they might take to ease the tension between these two interests in the research setting where the subject does his work. OIG emphasized that how NSF repaired any damage this incident had caused and achieved an appropriate balance between these interests in the future were program management issues that would not ordinarily involve OIG.

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

cc: Deputy Assistant Inspector General, Oversight; AIGO; IG