

CLOSEOUT FOR M96010002

In December 1996, the Office of General Counsel at the National Science Foundation provided OIG with several messages they had received from the complainant, [REDACTED] that contained allegations of Institutional Review Board (IRB) violations and intellectual and data theft. After numerous communications with the complainant to understand the support for these allegations, OIG determined that the complainant was claiming that various unidentified administrators at [REDACTED] (the University) had provided her with support to develop a program designed to retain women in the engineering program at the University as well as to collect and analyze data on these women. Her program appeared to be successful; however, she had been removed from the position. She alleged that a Director and former Director² of a program at the University used or discussed her work without citation to her and that her subsequent allegations against them had received a biased review at the University. She expanded her allegations to include the unidentified administrators' use of her data in NSF progress reports and applications without citation to her. The complainant said that she had received several thousand dollars in support from the NSF-supported [REDACTED] Coalition.³

The complainant provided copious amounts of information on her efforts to build a research program at the University, the course she taught with the former Director, and her efforts at the University to pursue the allegations. We found that the complainant's allegations had been reviewed by a Vice Provost, the head of the Institutional Review Board, and the Affirmative Action Officer. None of these reviews found substance to the intellectual or data theft allegations and two concluded that despite the many documents provided by the complainant none specifically identified the information that had allegedly been taken. The complainant stated that one official had concluded that the departure of the former Director for an industrial position had "resolved the situation and no further action was needed." One of these officials stated that the complainant should work on publishing her results and publication would establish her priority claim. This statement apparently echoed a suggestion by a Dean that the complainant should work on publishing her results.

The documents supplied by the complainant show that, while she may have spearheaded the efforts she claims as hers, she was also employed by the University to conduct the course and to gather the data. The documents show that it is the complainant's position that she is the only individual who legitimately should be allowed to discuss the

¹ Dr. [REDACTED] held an appointment as an adjunct professor at [REDACTED]. At the time the allegations were received her appointment had not been renewed.

² Ms. [REDACTED] is the former Director of the [REDACTED] Program at the University, and Dr. [REDACTED] is the current Director of that Program.

³ Proposal [REDACTED] entitled, "[REDACTED]" requested \$4,000,000 in support over a 5-year period. It involved activities at several universities including [REDACTED]. This award was renewed in 1995. The renewal award [REDACTED] is entitled, "[REDACTED]" and will provide approximately \$11,600,000 over a 5-year period.

CLOSEOUT FOR M96010002

project. However, the complainant's evidence showed that over an extended period, she freely interacted with those individuals she subsequently accused of intellectual and data theft, one of which could nominally have been considered her supervisor. This latter individual participated in the project and had made substantive comments on the project plan. We could find no evidence in the complainant's materials that showed that these individuals' discussions of the project were inappropriate. Further, the complainant provided no evidence that either individual had produced written materials that inappropriately asserted priority over the project or that failed to provide her with acknowledgment.

The complainant alleged that her ideas and information may have been used without attribution in NSF submissions by unidentified University administrators. OIG reviewed the Coalition's two NSF awards and annual reports and could find no unattributed discussion of the complainant's work. OIG concluded that there was no substance to this latter allegation. The complainant has left the University and it has permitted her access to the data to enable her to continue her analyses.

Separately, the complainant alleged that, without her knowledge, her data were used by individuals in ways that violated the Human Subjects Regulations. We learned that one of the complainants' graduate assistants had posted confidential information about the complainant's human subjects on a publicly available computer network which, if accessed could have breached the confidentiality of the data and that her assistants had manipulated the data in unauthorized ways. However, the IRB found no evidence of actual breaches of confidentiality. After reviewing the situation, the Institutional Review Board (IRB) stated that the complainant, as the investigator, was ultimately responsible for these data. The IRB instructed the complainant to secure this information and to institute practices to ensure the future confidentiality of the information. The complainant did so. We concluded that the IRB acted appropriately and there was no need for further inquiry by our office.

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

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