

Closeout for M96080021

An NSF program director¹ received an unusual proposal² review from the complainant³ and was concerned about some of the comments in it. The program director brought it to OIG on August 16, 1996. The review alleged that the PI of the proposal (the subject)⁴ inappropriately used the unpublished results and methodologies of another researcher.⁵ The proposal contained a number of citations referencing "personal communications" with the researcher.

The researcher informed OIG that the subject had contacted him and expressed interest in his research. The subject allegedly told the researcher that he was interested in a different research area, but that the researcher's techniques and biomaterial (DNA clones and mutants) could be useful in the subject's research. The researcher provided the subject with samples of biomaterial and drafts of manuscripts, including a chapter from the researcher's graduate student's thesis. The researcher said that he had thought they would collaborate, but the subject had not shared the results of his research with him. OIG has since learned from the subject that he recently supplied the researcher with DNA sequencing data on clones that the researcher had previously sent to him.

OIG learned from the subject that he had become aware of the researcher's DNA clones when he read one of the researcher's publications (the subject's proposal cites this publication). The subject said that the researcher had sent him three DNA clones generated in the researcher's lab. The subject claimed these materials were used in several different lines of research that were pursued independently in his and the researcher's laboratories. He said they were a starting point for several collaborative projects between them that had been discussed over the last four years.

Before submission of his proposal to NSF, the subject stated that he telephoned the researcher to determine if the preprint or thesis chapter had been published (and could therefore be cited in his proposal as publications). According to the subject, when the researcher replied that neither had been published, they agreed that the best way to reference the data was to use personal communications. There were no restrictions placed on these citations by the researcher. The subject did not discuss the specific goal of his proposal with the researcher because they were not collaborating on that particular project, and the subject claimed that the researcher was aware of this.

While preparing his proposal, the subject consulted the *Grant Proposal Guide* [GPG] NSF 95-27 for information on citing personal communications. The subject stated that since the

¹ (footnote redacted).

² (footnote redacted).

³ (footnote redacted).

⁴ (footnote redacted).

⁵ (footnote redacted).

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researcher was not directly collaborating on this project, the GPG did not address the issue. He noted GPG II.D.4 ("Any substantial collaboration with individuals not included in the budget should be provided as supplementary documentation") and followed this guideline when discussing the two collaborative projects that were a part of his proposal.

The subject stated that he did not propose to duplicate any of the researcher's research and that he excluded from his proposal anything that the researcher told him he was actively working on in his lab.

OIG concluded that the researcher gave the subject DNA clones, preprints, and a chapter from his graduate student's thesis without conditions on their use. The subject carefully referenced the information he obtained from the researcher in his proposal. OIG concluded that because the subject had received information from the researcher without conditions and had carefully referenced that information, his actions did not constitute a serious deviation from accepted practice and would not be characterized as misconduct in science.

The reviewer's concerns could have been alleviated if the subject had included in his proposal a note indicating that he used the personal communications with the permission of the researcher.

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

cc: Staff Researcher, Legal, Deputy AIG-Oversight, AIG-Oversight, IG