

## CLOSEOUT FOR M97040014

This case came to OIG on April 24, 1997, when Dr. [REDACTED] (the complainant) of [REDACTED] (the university) alleged that [REDACTED] (the Center), a nonprofit organization with which he had formerly collaborated, had misrepresented his work as its own. The complainant was head of the [REDACTED] (the project) at the university, and the Center was licensed to disseminate and adapt work that the project produced. The Center was run by [REDACTED] (the first subject). Dr. [REDACTED] of [REDACTED] (the second subject) was chair of the Center's board of directors. The complainant had formerly been chair of the Center's board of directors, but was no longer affiliated with the Center at the time he complained to OIG.

The subjects were the PIs for [REDACTED], entitled "[REDACTED]" Some of the complainant's allegations referred to a May, 1996, report of progress on this award (the progress report). Other allegations referred to [REDACTED], entitled "[REDACTED]" (the Center's second proposal). This proposal was pending when OIG received the initial complaint and has since been funded. The complainant's work on the project had been funded by NSF awards [REDACTED] entitled "[REDACTED]" and its successor award, ESI-9553841, entitled "[REDACTED]" Dr. [REDACTED] was co-PI for both of these awards.

In a series of communications with OIG following his initial complaint, the complainant cited numerous instances of alleged misrepresentations in the progress report and the Center's second proposal to NSF.

OIG examined the progress report and the Center's second proposal. We noted that both documents made abundant reference to the role of the complainant and the project in developing the materials that the Center was adapting and disseminating. We concluded that understanding the activities and accomplishments of the project was important to understanding the Center's activities, and that the subjects had appropriately included statements describing the project's work in their submissions to NSF. It is possible that a careless or uninformed reader, inattentive to the distinction between the Center and the project or unaware of the breach that had developed in the collaboration between the two, might interpret the subjects' statements about the project's activities to be statements about the Center's own activities. However, we concluded that only

evidence of misrepresentations by the subjects, and not evidence of misinterpretations by others, could constitute evidence that the subjects had committed misconduct in science in this case.

In specifying his complaint, the complainant cited numerous allegedly misleading statements by the Center that the complainant believed were literally accurate but “artfully” designed to cause readers to form an exaggerated view of the Center’s accomplishments. OIG concluded that making accurate statements such as these could not be considered misconduct in science. The complainant also cited some statements of whose accuracy he was uncertain and noted certain alleged copyright violations that the university’s attorneys were pursuing. But he provided no evidence that the Center seriously misrepresented its activities to NSF. OIG concluded that, however desirable it might have been for the Center to draw more attention to the distinction between itself and the complainant’s project, there was no evidence that the Center’s statements were substantially inaccurate and no substance to the idea that the subjects had committed misconduct in science in making them.

Before raising a misconduct complaint with OIG, the complainant had informed NSF program managers about the rift between his project and the Center. The program managers sought and received clarification from the subjects concerning the relationship between the project and the Center. In the complainant’s conversations with OIG, he presented limited circumstantial evidence raising the possibility that the Center had engaged in financial irregularities unconnected to its NSF award and indicated that legal disputes between the university and the Center might prove time consuming and difficult to resolve. When OIG receives information that raises credible and substantive program management issues, OIG refers that information to NSF to evaluate whether the issues warrant management action. In this case, OIG concluded that this information might be relevant to grants and program management and informed the cognizant NSF Division of Grants and Agreements official of possible obstacles to responsible management and effective use of NSF grant funds at the Center. NSF grants and program officials subsequently met to discuss the Center’s pending proposal, sought additional information about the Center, and made an award for a reduced amount in light of the information they had received. OIG concluded that there was no reason for further OIG involvement regarding the management of the awards involved in this case, and NSF management did not request such involvement.

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

cc: IG, AIGO, Legal, Investigations