

CLOSEOUT FOR M97050015

This case came to OIG on May 12, 1997, when [REDACTED], a program director in the [REDACTED] of NSF's Division [REDACTED], informed us of a May 7, 1997, telephone conversation with Ms. [REDACTED] (the complainant). The complaint concerned a postdoctoral fellow (Dr. [REDACTED]) funded by [REDACTED]¹ (the grant), for which [REDACTED] of [REDACTED] (the subject) is PI.

The complainant informed the program director that the postdoctoral fellow and the subject had terminated their working relationship and asked if it would be possible to arrange to transfer the grant to another institution. OIG and the deputy division director² discussed this matter and agreed that it was NSF management's responsibility (and not OIG's) to determine whether and how a funded project can be conducted if the key personnel are no longer able to cooperate in the project. The deputy division director informed OIG that in this case NSF had made an award to the postdoctoral fellow's new institution and was planning to terminate the award to the PI's university.

The complainant's account of the postdoctoral fellow's working relationship with the subject caused OIG to consider whether the subject had committed misconduct by (1) misappropriating the postdoctoral fellow's work or (2) seriously deviating from accepted mentorship practices in the scientific community.

The complainant alleged that the postdoctoral fellow wrote the proposal that resulted in the grant and that the subject did not even read it before it was sent to NSF. The complainant alleged that the postdoctoral fellow made use of documentation that the subject kept in his laboratory to write sections of the proposal, that the subject was generally familiar with her work, that the subject had some input into her work, and that the subject knew the nature of the proposal for which he was PI. OIG determined that the postdoctoral fellow understood that, if the proposal were funded, it would support her to work under the subject's direction. There is no evidence or allegation that the subject in any way claimed credit for the postdoctoral fellow's work. Indeed, according to the complainant, the subject was responsible for the claims of credit in the proposal only in the sense that the postdoctoral fellow stated those claims while writing the proposal under the subject's general direction. While the

¹ The award is entitled "[REDACTED]".

² Dr. [REDACTED]

CLOSEOUT FOR M97050015

subject's allegedly minimal role in proposal preparation may be considered undesirable, it cannot be considered a serious deviation from accepted practices.

The complainant alleged that the subject sexually harassed the postdoctoral fellow for nearly three years. During most of this time, according to the complainant, the subject and the postdoctoral fellow were romantically involved with one another. The complainant alleged that the subject used his power as one of the postdoctoral fellow's mentors to cause her to continue their romantic involvement, despite her alleged wish to terminate it, and tolerate the harassment. OIG determined that this alleged abuse of the mentorship relationship did not occur "in proposing, carrying out, or reporting results from activities funded by NSF" (45 C.F.R. § 689.1(a)(1)) and therefore fell outside our jurisdiction. The alleged abuse, for example, though contemporaneous with the preparation of the proposal that resulted in the subject's grant, had no explicit or special connection to the proposal preparation process. The complainant did not allege that the subject committed misconduct under the grant itself because, by the time NSF made the grant, the subject and the postdoctoral fellow had allegedly ended their working relationship.

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

cc: AIG-O, IG