

## CLOSEOUT MEMORANDUM FOR M-97120049

On 19 December 1997, an NSF program director<sup>1</sup> brought us an allegation that a subject<sup>2</sup> failed to share data he had collected under an NSF SGER award.<sup>3</sup> The program director explained that, prior to the subject's receipt of the SGER award, he had submitted an NSF proposal,<sup>4</sup> as the sole PI, that included the collection of data at a special upcoming event<sup>5</sup> followed by the extensive analysis and interpretation of these data. The proposal, which was to be recommended for funding, was withdrawn by the subject when he learned he had been denied tenure and would be leaving the institution in less than a year. The program director urged the subject to submit a SGER proposal to allow him to, minimally, collect the data, which he did with two co-PIs from the institution. However, the program director learned that, after the subject collected the data, he left the institution and took most of these data with him. He allegedly refused requests to provide these data to the institution or to the co-PIs on the SGER award.

The program director explained that, initially, she attempted to assist the institution in obtaining these data from the subject, but was unsuccessful. The final report for the SGER award, prepared and submitted by the co-PIs, described several problems encountered with respect to these data. First, the subject offered to copy the data tapes and provide the copies to the institution if it agreed to provide the necessary equipment for him to make copies. The institution elected not to risk sending the necessary equipment to the subject. Second, the subject was apparently uniquely qualified to do the analysis phase of this project; there was no one else available at the institution who was qualified to do this phase of the project. Third, the institution learned after the data had been collected that there were legal concerns regarding the use of some of these data. Apparently the subject and one of the co-PIs had made oral arrangements to collect and use these data, but had not received official written permission to do so from the event organizers. Because some of these data had commercial value, there was considerable uncertainty over how and what portions of these data could be used.

The institution owns these data but, according to the program officer and the final report, has chosen not to pursue their return because of 1) the expense to copy, 2) the difficulty in finding someone qualified to analyze these data, and 3) the unresolved legal concerns for the use of these data. Because not all the obligated funds for this award had been spent, we verified that NSF had de-obligated the unused funds.<sup>6</sup>

Although the subject has still not shared these data with the institution or the co-PIs, it is the institution that has chosen not to take the steps necessary to obtain these data following the subject's offer to make copies.

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Footnotes Redacted

## **CLOSEOUT MEMORANDUM FOR M-97120049**

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

cc: Integrity, IG