

On 3 December 1997, the complainant¹ contacted OIG and alleged that her termination as project director of an NSF-supported effort violated NSF's *General Grant Conditions* (GC-1). This effort was funded as a supplement to an NSF Alliance cooperative agreement.² She said that the idea for the effort was hers and she had written the "proposal." She alleged that the idea had been misappropriated by the Alliance Project Director³ and subject of this case, because he, not she, was named as the PI of the project, and she was being removed as the project director.

OIG learned from the complainant that her contract as project director had not been renewed but that she would still be allowed to participate in the project. She said she had protested her removal to highly placed academic officials⁴ who "each wrote letters requesting compliance with [the subject's] request."

Article 1 of NSF's *Grant General Conditions* (GC-1, 10/95) stipulates that "[a]lthough the grantee is encouraged to seek the advice and opinion of NSF on special problems that may arise, such advice does not diminish the grantee's responsibility for making sound . . . administrative judgments and should not imply that the responsibility for operating decisions has shifted to NSF." With regard to the removal or absence of project personnel, Article 8 of NSF's GC-1 specifies that in the case of absence or change of PI, the PI must notify NSF and the institution's Authorized Organizational Representative (AOR); it does not stipulate conditions for the removal of other project personnel. In contrast, transfer of project effort or a change in a funded effort's scope must be approved by NSF, and must be communicated to NSF in writing and countersigned by the AOR and PI.

The NSF Alliance cooperative agreement program jacket contained a message from the subject that documented his decision to replace the complainant as the project director. He explained that the project had fallen behind in meeting its goals. He planned to replace the complainant with a professional manager and to implement a program to ensure that the project achieved its goals. Two NSF program managers⁵ and the Division Director were

¹ The complainant, [REDACTED] is a faculty member at [REDACTED] (the University) in [REDACTED].

² The NSF cooperative agreement, [REDACTED], was made between NSF and the [REDACTED] (the State Board) to support [REDACTED] (the Alliance). The Alliance Project Director is the subject of this case.

³ The Alliance Project Director is [REDACTED] the [REDACTED] at the University. [REDACTED] is named as the co-PI, but was not identified by the complainant as a subject in this case.

⁴ The officials were [REDACTED], the [REDACTED], the [REDACTED] (unidentified by the complainant), and [REDACTED].

⁵ The program managers are [REDACTED] and [REDACTED]. Both program managers are in the [REDACTED] Program in the Division of Human Resource Development in the Directorate for Education and Human Resources.

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informed of the PI's decision.⁶ The complainant raised the university's and the PI's decisions with the NSF program manager⁷ who concluded that her removal did not require NSF approval.

OIG could find no evidence that the terms of the *GC-I* had been violated by the subject's decision. The complainant was not the PI of the cooperative agreement and the scope of the project had not changed. In fact, the subject described his plan for ensuring the completion of the funded effort. Further, the PI's decision was apparently endorsed by the grantee. The university officials to whom the complainant appealed instructed her to comply with the PI's decision. NSF has reviewed the PI's decisions on two occasions. First, when the subject informed NSF of his decision and, second, when the complainant raised the issue with the program manager. OIG concluded that the PI was within his authority to replace the complainant.

With regard to the complainant's allegation of that the idea had been misappropriated, she explained that the project "writing team" consisted of her and two other individuals⁸ (who are identified in the supplement as project participants). The complainant said the idea for the project "was conceived by" one of the other project participants and the "the first draft of [the effort] was from the prospectus" provided to her by that participant.⁹ She explained that an early draft of the project had been approved by the State Board, that the team was assisted by the Alliance cooperative agreement project manager, and that it was submitted as a supplement to the Alliance effort.

OIG concluded that there was no substance to the allegation of misappropriation. There is no evidence that any individual associated with the project or the Alliance attempted to claim credit for the idea when the grantee submitted it to NSF as a supplement to an existing NSF award or when she was named as its director rather than its principal investigator. Further, her removal as project director was apparently a result the grantee's evaluation of her management skills, not an attempt to claim credit for the idea.

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

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

⁶ The Division Director is [REDACTED]

⁷ The program manager is [REDACTED]

⁸ The participants are [REDACTED] Alumni Distinguished Professor in the [REDACTED] and [REDACTED] Professor of [REDACTED] and [REDACTED] Project Director at the [REDACTED]

⁹ The participant was [REDACTED]