

CLOSEOUT FOR CASE M99010005

On 15 January 1999, a program manager¹ brought us an e-mail message he had received from the complainant² that contained allegations of misconduct in science. The complainant alleged that the confidentiality of peer review for an NSF proposal, submitted by another scientist,³ had been breached. He said that the subject⁴ had taken ideas (intellectual theft) contained in the NSF proposal and used them in his co-authored conference paper.⁵ In addition, the subject had used information discussed in the NSF proposal about a foreign-based company⁶ that was contracted to build a device designed by the company employing the scientist. As a result, the subject's company⁷ purchased an identical device from the foreign-based company.

The complainant explained that the only way the subject could have learned about the ideas he presented in his conference paper and about the availability of the device from the foreign-based company was from the scientist's NSF proposal. The complainant said that the foreign-based company built two of these devices, one of which was purchased by the company employing the scientist.

We learned that the subject's conference paper was presented and published 1 day before the NSF program mailed the scientist's proposal to the *ad hoc* reviewers.⁸ Consequently, the copies of the proposal sent out for peer review by NSF could not have been the source of any ideas contained in the subject's conference paper. In addition, we learned that the subject worked as a representative for the foreign-based company that had been contracted to construct the device. Although we neither confirm nor deny whether the subject or any other individual affiliated with the subject's company reviewed the scientist's NSF proposal, there was no reason to suspect that the subject obtained any information about the device from the scientist's NSF proposal since he already had a direct working relationship with the foreign-based company. We concluded that there was no evidence that the subject, or any of the *ad hoc* reviewers, breached the confidentiality of peer review.

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

cc: Integrity, IG.

¹ [REDACTED] is [REDACTED]
² [REDACTED] the complainant, is [REDACTED]
³ NSF [REDACTED] entitled [REDACTED]
[REDACTED] was submitted by [REDACTED]
⁴ The subject [REDACTED] formerly a [REDACTED] is now [REDACTED]
⁵ The paper, entitled [REDACTED] was authored by [REDACTED]
[REDACTED] The paper was presented at [REDACTED]
[REDACTED] The conference began on [REDACTED] at which time the published paper was available via the internet.
⁶ [REDACTED] is a [REDACTED] based in [REDACTED]
⁷ [REDACTED] is based in [REDACTED]
⁸ The NSF program mailed the scientist's NSF proposal to the *ad hoc* reviewers on [REDACTED]