

CLOSEOUT FOR CASE M99060034

On 22 June 1999, we received an allegation of misconduct in science in an e-mail message from the complainant¹ to an NSF program officer.² The complainant alleged that subjects 1 & 2³ submitted an NSF proposal⁴ that contained some of the same ideas and techniques presented in the complainant's declined NSF proposal⁵ (intellectual theft). In addition, the complainant expressed concern that the subjects, despite their conflicts of interests (COI) with his proposal, served on panels that evaluated his declined proposal.

We discovered that the complainant had been told that the subjects served on his panel by the program officer. We learned that the program officer's Division had, for many years, provided the names of the specific panelists who evaluated a PI's proposal whenever the PI asked for this information. We worked with the Office of General Counsel (OGC) and the Division Director⁶ to determine if the Division's practice was consistent with NSF's policies. OGC determined that the Division's practice contradicted National Science Board policy.⁷ The Division Director agreed that the Division would no longer provide this information to PIs.

With respect to the alleged intellectual theft, our review determined that the proposals presented similar, but not identical, research ideas and techniques. We also determined that both the research ideas and techniques were not unique to either the complainant or the subjects. The program officer agreed that the ideas and techniques contained in the proposals were commonly employed by scientists in this research community. We concluded that there was no substance to the allegation that the subjects used the complainant's unique ideas and techniques in their proposal.

With respect to the complainant's concern about the subjects' COI, the program officer expressed his opinion that the subjects' participation as panelists for the complainant's proposal did not bias the decision. However, he encouraged the complainant to request a reconsideration of the proposal. The program officer agreed with us that a reconsideration would help resolve the complainant's concern about fairness in the review of his proposal.

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

cc: Integrity, IG

¹ [REDACTED] (the complainant) is a member of the [REDACTED]
² [REDACTED] formerly a program officer in [REDACTED]
³ [REDACTED] (subjects 1 and 2) are members of the [REDACTED]
⁴ NSF proposal [REDACTED] was submitted by subject 1, subject 2, [REDACTED] It was received by NSF on [REDACTED] The proposal is scheduled to be funded when the necessary equipment becomes available.
⁵ NSF proposal [REDACTED] was submitted by the complainant [REDACTED]
⁶ [REDACTED] is the [REDACTED]
⁷ NSB-84-114, Item V: "In no case is a review to be associated with an individual panel member, a reviewer (panel or *ad hoc*), or subgroup of an entire panel, except as required by law."