

CLOSEOUT FOR CASE M99060035

On 30 June 1999, the complainant¹ informed our office of allegations of misconduct in science. The complainant alleged that the subject² and the subject's institution's (institution 1) administration retaliated against him after he reported possible misconduct in science against another scientist at institution 1. The complainant also discussed numerous other allegations against individuals at institution 1 and institution 2.³ The complainant informed us that he would provide "compelling evidence" in support of the alleged retaliation by the subject against him. Subsequently, the complainant informed us that he had filed a *qui tam* False Claims Act complaint, and we could get the information discussing all his allegations from the Department of Justice (DOJ).⁴ DOJ provided us with copies of the information filed with the court by the complainant, which described more than 50 allegations against more than 20 individuals at institutions 1⁵ and 2.⁶

The allegations against individuals at institution 2 included false statements, fabrication and falsification of data, plagiarism, duplicate funding, misuse of funds, and retaliation against a good-faith whistleblower. We determined that NSF has no jurisdiction over any of these matters at institution 2 because none of the alleged activities involved NSF funds. The National Institutes of Health (NIH) had funded several of the individuals listed by the complainant as subjects, and the office that handles allegations of misconduct involving NIH awards reviewed the allegations and determined not to pursue them.

¹ [REDACTED] was a graduate student in the [REDACTED] program in the [REDACTED] (beginning in [REDACTED]), and a graduate student in the [REDACTED] at [REDACTED] (beginning in the summer [REDACTED]).

² [REDACTED] (the subject) is a [REDACTED] in the [REDACTED] at [REDACTED] (institution 1).

³ Institution 2 is [REDACTED].

⁴ [REDACTED] DOJ attorney, [REDACTED], provided us with the information the complainant had sent to him for the *qui tam* case.

⁵ Allegations of discrimination and retaliation were made against the following individuals [REDACTED]

[REDACTED] the subject, [REDACTED]

[REDACTED], and [REDACTED]

⁶ The following individuals from [REDACTED] were identified by the complainant as potential subjects: [REDACTED]

[REDACTED] the complainant [REDACTED]

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We determined that NSF did have jurisdiction over the allegation that the subject at institution 1 (as well as institution 1's administration) retaliated against the complainant because the complainant had been supported under the subject's NSF award.⁷ However, nowhere in the complainant's documents can we find evidence that anyone retaliated against the complainant. There is no substance to this allegation.⁸

In addition, the complainant alleged that the subject made false statements in his NSF proposal when he indicated that he intended to develop a particular piece of equipment. The complainant claims the equipment was not developed and, therefore, the subject misused federal funds. The complainant also alleged that funds from the award were used to support "junkies." However, the purpose of the subject's award was to train graduate students, and the success of the award was to be based on performance measures listed in the proposal that focused on the number of graduate students trained under the NSF program, not on whether the subject was successful in producing a piece of equipment. Furthermore, the complainant provided no evidence of the subject's alleged misuse of NSF funds for "junkies." There is no reason for us to suspect that this has occurred. We determined that there was no substance to the allegations that the subject made false statements or misused NSF funds.

Following our evaluation of these allegations, we were informed that DOJ declined to join the *qui tam* case. We talked to the complainant and urged him to provide any additional information he might have in support of the allegations. After 3 months, we wrote to the complainant informing him that if we did not receive the information before a designated date, we would close this case. He did not respond.

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

cc: Integrity, IG

⁷ NSF award [REDACTED] entitled [REDACTED] is a [REDACTED] award lead by [REDACTED] project director, with co-PIs, [REDACTED]

⁸ The complainant also included allegations against other individuals at institution 1, but we determined that the complainant's allegations against the subject were the focus of his concerns, while the allegations against fellow graduate students and administrators stemmed from his concerns about the subject's alleged retaliation.