

In September 1999, a graduate student¹ at the institution² sent a series of emails alleging intellectual theft by four faculty³ members to NSF officials, which were forwarded to OIG. The graduate student alleged that the faculty, his advisor, the department chair,⁴ and a small business owner⁵, had taken the idea and research from his graduate thesis and used the idea and research to promote a small business,⁶ which two⁷ of the subjects owned. The student's advisor was the former PI of the NSF award that allegedly supported the student's work.

After reviewing the inquiry report the institution submitted to our office, two OIG staff members met with university officials⁸ responsible for coordinating the inquiry process. We asked the institution about how apparent conflicts of interests⁹ between several of the committee members and the subjects were resolved. The misconduct official¹⁰ responded that he chose committee members who had some experience with this field of research, and that a sufficient time had passed (at least 5 years) from when any of the committee members had collaborated with any of the subjects, so that he did not consider the collaborations to be disqualifying conflict of interests. The misconduct official said he opted to include members on the committee that understood the type of research that the student alleged formed the context of this allegation.

We sought additional information to clarify the inquiry report. The clarification related to three areas: 1) the course of the inquiry the committee pursued, 2) its evaluation of written evidence, and 3) the conflicts of interests issues related to the allegation.

We were concerned about the lack of supporting evidence for the graduate student's claim about his thesis work in the lab. The committee apparently did not make an effort to corroborate the student's claim or subjects' defense by looking for documentation in the lab computers or by interviewing others who worked in the lab or were familiar with the research projects. The committee report indicated that there was no written evidence presented by the graduate student to support his allegation that work being performed by the small company was based on his thesis or research.

The student alleged there were documents that were inaccessible to him in lab computers, which supported his claims. The misconduct official told us that the committee believed that if there was documentation in the lab computers to support the allegation, the student could have and would have printed and provided it. The committee members indicated that because he submitted other documents related to the small business from those computers, he could have provided the supporting evidence. Due to the nature of the confidentiality of the allegations against faculty, the committee members chose not to inform others of the allegation by interviewing them. We concluded that the committee made a reasoned decision not to interview other individuals, because the complainant did not supply evidence to support his allegations.

¹ {redacted}.

² The institution is {redacted}.

³ The four faculty are Dr. {redacted}, Dr. {redacted}, Dr. {redacted} and Dr. {redacted}.

⁴ The Department Chair is Dr. {redacted}.

⁵ Dr. {redacted} is the president of the small company.

⁶ The small company is {redacted}.

⁷ The owners are Dr. {redacted} and Dr. {redacted}.

⁸ The officials were Dr. {redacted}, VP for Research and Graduate Studies and the General Counsel, {redacted} of {redacted}.

⁹ Three of the committee members had collaborated with one or more of the subjects on publications or projects at the {redacted}.

¹⁰ The misconduct official is Dr. {redacted}, VP for Research and Graduate Studies.

The committee found that the student could not support his claim that he first worked on the research project and then, the faculty members, associated with the NSF-supported activities, took it from him. To the contrary, the committee found evidence to support the fact that these faculty members had actually worked on the research for some time before the graduate student began working in this lab or with these individuals. We agree.

We questioned whether or not the institution properly addressed faculty conflicts of interests raised by the small company's industrial partnership status under an NSF award. The president of the company, an adjunct faculty member, supervised the graduate student's research.

We also questioned whether the COI of the student's advisor, the former NSF PI, had been appropriately managed. The misconduct official sent us a copy of a COI form that the former NSF PI submitted. The PI's financial disclosure form indicates that he acknowledged his small company ownership to the institution. However, there is no indication that the institution addressed these COI issues in a meaningful way. Had the institution managed the conflict in a way that would have given the former NSF PI and the student a clear understanding of the student's research and the scope of the supervision by the small company president, the allegation may not have been made to our office.

The Center Director and Department Chair appeared to understand the small company's role in NSF-supported activities and to be aware that the faculty with financial interests in this company supervised and advised the graduate student. The institution may have been able to manage the conflicts of interest issues more adeptly and address the appearance of the private interest in the research for the small company's benefit.

The information the University provided adequately supports its analysis of the issues related to the student's allegation. We concur with the committee that there was a lack of substantive evidence to support the allegation and insufficient substance to warrant an investigation.

This inquiry is closed.

cc: Investigations, IG