

CLOSEOUT FOR M-95040015

On 17 April 1995 in a letter addressed to an NSF program officer,¹ OIG received allegations of misconduct in science² against two subjects.³ OIG considered the following allegations against the subjects. First, it was alleged that the subjects surveyed and worked in a geographic area (the contested area) in which another research group had received exclusive permission from a foreign government⁴ to work and that, in so doing, the subjects' group infringed on the other research group's officially permitted work project. Second, it was alleged that the subjects had altered their study area in their successive permit applications to the foreign government in order to expand their study into the contested area. As part of this allegation, OIG considered whether the subjects had misrepresented their permitted work areas in their NSF proposals.⁵ Third, it was alleged that the subjects' group's sampling in the contested area was destructive. Fourth, it was also alleged that the subjects' work in the contested area infringed on a graduate student's research project and, possibly, his scientific career.

The subjects informed OIG of numerous other allegations against them that were indirectly associated with the above allegations. The evidence provided by the subjects, or gathered by OIG, permitted the following resolutions of these additional allegations. These allegations either: 1) were not within NSF's jurisdiction, such as the subjects' alleged financial gain resulting from various publications, or their group's failure to share information in the most beneficial manner; or 2) had insufficient substance to pursue, such as the alleged theft of items by some of the subjects' group members, sale of items by the subjects for their own financial gain, inappropriate preventative health procedures for a worker in the subjects' group, slow information exchange, failure to include certain individuals as authors on a paper, or failure to acknowledge other investigators' work in a paper.

OIG reviewed the subjects' NSF proposals, interviewed subject 1, and requested information from the two subjects and the members of the other research group.

¹ The letter was addressed to [REDACTED] an NSF program officer in the [REDACTED] the Directorate for [REDACTED]

² The two complainants are [REDACTED] and [REDACTED]

³ The two subjects are [REDACTED] and [REDACTED]

⁴ The [REDACTED] government's [REDACTED] oversees and authorizes research field work in [REDACTED] the disciplines described by these allegations.

⁵ The NSF proposals included: [REDACTED] entitled [REDACTED] submitted by subject 1, subject 2, and [REDACTED] entitled [REDACTED] submitted by subject 1, subject 2, and [REDACTED] entitled [REDACTED] submitted by subject 1, subject 2, [REDACTED]

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Allegation #1: The subjects' group allegedly surveyed and worked in the contested area in which the other research group had received exclusive permission to work from the foreign government. The subjects stated that they had sampled and conducted surveys in this contested area. The subjects and the other research group supplied documentation to support their statements that they had each applied for official permission to survey and work in the contested area. The subjects also provided documentation that they had applied to conduct surveys outside their permitted area when that territory was not included as part of their requested work area. The subjects and the other research group provided evidence that their permit applications had been approved by the foreign government. However, these authorizations generally did not specify precisely the field areas or the research studies that had been approved.

OIG learned that: 1) the other research group and the subjects specified complementary and, at times, similar projects in their permit applications; 2) the project descriptions in these permit applications were, at times, ambiguous because of the use of overlapping terminology; and 3) the other research group and the subjects did not always employ the same procedures to obtain official permission to work in the contested area. Consequently, OIG determined that a definitive resolution of the other research group's claim that they had exclusive permission to work in the contested area was not possible. Further, given the foreign government's method of approval of permit applications, it was not possible to resolve what permission had been granted to either group to conduct research in the contested area.

OIG was informed that, when the foreign government learned of the disagreement between the subjects' group and the other group over which had the right to work in the contested area, it initially warned the subjects to stay within their permitted area. The foreign government later withdrew permission for the subjects' group to work in its permitted area. At the time this closeout was prepared, the foreign government had still not given the subjects' group permission to resume its research work in the area. OIG concluded that the permit documents indicated that both groups arguably had been given permission to work in the contested area and that there was insufficient substance to pursue the allegation that the subjects' group sampled and surveyed in the contested area without official permission.

Allegation #2: The subjects allegedly had altered their study area in successive permit applications to the foreign government in order to expand their research into the contested area. OIG's review of the subjects' permit applications determined that they had changed the requested work area in each successive permit application to the foreign government, adding parts of the contested area and, on one application, another region as well. OIG determined that the subjects' addition of the contested area and the other region was not unusual. Scientists who do field work typically modify their research projects and research areas as they learn more. The subjects applied for different research field areas in successive permit applications to the foreign government, including parts or all of the contested area. The foreign government decided on the appropriateness of each permit application and, at times,

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granted permits for the research and, on occasions, refused portions of the subjects' permit applications.

OIG also considered whether the subjects had misrepresented their permitted work areas in their NSF proposals. OIG's review of the subjects' NSF proposals showed that the subjects' modifications of their successive NSF proposals did not misrepresent information to NSF. The subjects' proposals indicated that they intended to apply to the foreign government for permission to work in the area described or that they had already worked in the area depicted during an earlier field season. There is no substance to the allegation that the subjects misrepresented their permitted work areas in their NSF proposals.

Allegation #3: The subjects' group allegedly sampled in the contested area destructively. The other research group provided photographs to OIG that they claimed were taken after the subjects' group completed their sampling. The photographs did not provide sufficient information for OIG to determine where and when the pictures were taken and what, if any, damage to the locality had occurred. The other research group said that sworn statements from local citizenry supported the claim that the subjects did destructively sample a locality in the contested area, but did not provide copies of these sworn statements. Further, the subjects had provided evidence that they requested permission to work in the contested area and that their methods were not destructive. OIG concluded that there was insufficient substance to support further inquiry into the subjects' group's alleged destructive sampling in the contested area.

Allegation #4: OIG considered whether the subjects' group's work in the contested area infringed on a graduate student's research project. The graduate student's project, as initially presented, was in a complementary area of research from that described by the subjects in their permit applications. Over time, the student's interests, as reflected in subsequent permit applications, began to overlap with those of the subjects. The subjects' initial collaborative relationship with the student was collegial, but over time it deteriorated. The available evidence suggested that the subjects, who are well established in their fields and who had supported the graduate student for part of his education, could have been more collegial and supportive in their interactions with him. OIG concluded that there was insufficient substance to pursue this matter and that it was unrealistic to anticipate that further inquiry would provide sufficient substantive evidence to support the allegation.

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

cc: staff scientist, AIG-O, legal, IG