

CLOSEOUT FOR M95090040

This case came to OIG on September 28, 1995, when Dr. [REDACTED], a program officer in NSF's Division of [REDACTED], brought us a complaint from Dr. [REDACTED] of the Department of [REDACTED] at [REDACTED] (the complainant). The complainant alleged that Dr. [REDACTED] of [REDACTED] at [REDACTED] (Subject #1) and her husband, Dr. [REDACTED] of [REDACTED] (Subject #2), misappropriated ideas from the complainant's NSF proposal, [REDACTED].¹ NSF sent Subject #2 a copy of the complainant's proposal for confidential merit review, but Subject #2 did not send NSF an evaluation of the proposal.

Subject #1 and the complainant work on closely related research topics. Subject #1 submitted [REDACTED] at the same time that the complainant submitted her proposal. The work the two proposed is similar. The subjects collaborated on a manuscript³ (the manuscript) reporting research results from the project that Subject #1 had proposed to NSF and that NSF declined to fund. Subject #2's NSF award⁴ supported revisions of this manuscript.⁵

¹The proposal, entitled [REDACTED], " resulted in an award.

²Subject #1's proposal was entitled [REDACTED]. " NSF declined to fund it.

³The manuscript, entitled [REDACTED], " was submitted to [REDACTED]

⁴The award, [REDACTED], was entitled [REDACTED]. "

⁵NSF did not support the work that was reported in subjects' original version of their manuscript, which was submitted before Subject #2 received the award that supported the revised version. OIG therefore determined that we lacked jurisdiction over any alleged misconduct concerning the original manuscript. The complainant alleged that in the original manuscript the subjects failed to cite the complainant's work as a source of their ideas.

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The complainant alleged that Subject #1, during a conversation about the complainant's research plans, had told the complainant that she possessed the copy of the complainant's proposal which NSF sent to Subject #2 for review. The complainant further alleged that Subject #1 said she planned to use results reported in the complainant's proposal in her own future research. OIG wrote to the subjects to inquire about this alleged violation of the integrity of the confidential merit review process. The subjects informed OIG that Subject #2 did not share the proposal with Subject #1 or discuss its contents with her, but that he did mention to Subject #1 that NSF had asked him to review a proposal the complainant submitted. OIG concluded that Subject #1's admitted action, taken alone, could not be considered misconduct in science.

The complainant alleged that the manuscript misappropriated ideas in the complainant's proposal. OIG consulted an expert in the relevant area of research. OIG's consultant concluded that the ideas in the manuscript were a natural outgrowth of ideas that Subject #1 had developed in her proposal and that there was no evidence that these ideas derived in any way from the complainant's proposal. OIG concluded that there was no substance to the allegation of intellectual theft and no reason to believe that the subjects had misused the proposal that had been sent to Subject #2 for peer review.

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

The subjects' revised manuscript includes a more thorough literature review, which includes reference to the complainant's research. OIG received evidence that time constraints led the subjects to submit the original manuscript with a relatively cursory literature review in the expectation that they would be able to write a more complete survey of the literature at a later stage.