CLOSEOUT FOR M-96100036

On 26 September 1996, OIG received an anonymous message[1] that stated that allegations of misconduct and the identity of the subject[2] would be found [redacted].[3] [redacted] alleged that the subject prevented scientists at the institution[4] from using equipment purchased under an NSF award.[5]

OIG reviewed [redacted], the NSF award, and other information that was applicable to equipment purchased with funds provided by NSF. [redacted] stated that a faculty member[6] claimed she was recruited to the institution as a visiting professor, in part, to use the equipment, but that the subject "barely allowed her to touch" it. According [redacted], faculty and students at the institution said the subject controlled and continued to control the use of the equipment. [redacted] said that one of the co-PIs[7] on the NSF award agreed that the equipment was "being used very little - almost zero." In addition, [redacted] the vice chairman[8] of the subject's department at the institution as stating that the equipment was "too valuable and useful to be used so little. There's a waiting list at other universities to use [the equipment], but here it's hardly ever working." Finally, according [redacted], a review of the subject's department conducted the previous year by three scientists, one from the institution and two from outside organizations, reported problems with access to the equipment by some scientists and recommended hiring a technician to improve the efficiency of its use and "avoid some of the hard feelings that the present situation has caused."

OIG's review of the case documents and regulations showed that: 1) the equipment purchased under the award is owned by the institution; 2) the NSF award was funded [redacted] years ago and was closed [redacted] years ago; 3) according to NSF's Grant Policy Manual and the Office of Management and Budget Circular A-110 in effect at the time of the award, as the owner of the

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[1] The message was a 26 September 1996 e-mail from "anonymous-www-mailer" to Dr. James Zwolenik, Assistant Inspector General for Oversight.

[2] The subject [redacted] is a faculty member in the Department of [redacted] at [redacted]

[3] The [redacted] issue of the [redacted] article, entitled "[redacted]" contained information that might be considered as a possible allegation of misconduct in science.

[4] The institution is the [redacted]

[5] NSF award [redacted] entitled [redacted] was submitted by the subject, [redacted] with co-PIs: [redacted] All are associated with the Department [redacted] at the institution. The award began on [redacted] and, according to NSF's database, closed on [redacted]

[6] [redacted] is a faculty member at [redacted]

[7] [redacted] is a faculty member at the institution.

[8] [redacted] is vice chairman of the Department [redacted] at the institution.

equipment, the institution is responsible for its maintenance and utilization, and the retention of relevant records for only 3 years after NSF received the final project report; and 4) the NSF program made the award knowing there were concerns about the equipment's maintenance by the subject and the co-PIs. There is evidence that the equipment was not maintained; [redacted] the vice chairman said that the equipment was "hardly ever working."

We concluded that, in this case, no further inquiry by our office into the allegation that the subject prevented scientists from using the equipment was practical because so much time had elapsed since the award closed diminishing both the likelihood that records pertaining to the equipment's usage would be available and that individual memories of events [redacted] years ago would be reliable. Moreover, because the evidence suggests that poor management practices contributed to the equipment's lack of availability, we concluded that this would be better handled as a management matter. There is some question as to whether the program presently has ongoing management responsibility for the equipment, but because [redacted] mentioned ongoing concerns about access to high tech equipment within the department, OIG mentioned this concern to the program.

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

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