

## Closeout for Case M01010004

In November 2000, we received an allegation about a proposal<sup>1</sup> that had been submitted to NSF. The complainant<sup>2</sup> outlines three allegations of material misrepresentation against the PI<sup>3</sup> (subject 1) and the co-PI<sup>4</sup> (subject 2): (1) restrictive user agreements on “free” software (subject 2 only); (2) the publication of work that was not their own (subject 2 only); (3) and the falsification of bibliographic information.<sup>5</sup>

Our review of the materials presented indicated that allegation one was not an issue of misconduct. The second allegation involved work that was sponsored by FEMA and therefore NSF OIG has no jurisdiction, however, FEMA OIG was notified. Our review of allegation three indicated that two journal articles listed as “submitted” had never been submitted to the listed journal. In response to our letters requesting an explanation, the subjects both admitted that the articles were not submitted. Both subjects indicated the error was a result of the rush to submit the proposal. Subject 2 took responsibility for the error while subject 1 did provide us with copies of the original manuscripts. Subject 2’s acceptance of responsibility is consistent with the fact that we determined he had erroneously listed these manuscripts as “submitted” in another NSF proposal on which he was also a co-PI as well as in a journal article<sup>6</sup> where both subjects were co-authors.

In May 2001, the complainant provided us with additional evidence of seven allegations of misconduct. Our review of these allegations indicate that they involved a collaboration which had dissolved under less than collegial circumstances. Our review of the material determined that two of the allegations directly related to the issue of the journal articles listed as “submitted.” The remainder of the allegations either lacked substantive evidence or were not within the jurisdiction of the NSF OIG and did not merit being referred to another office.

The erroneous listing of two journal articles as “submitted” occurred in three documents where subject 2 is co-author. However, subject 1 is listed as a co-author on

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<sup>1</sup> Redacted

<sup>2</sup> Redacted

<sup>3</sup> Redacted

<sup>4</sup> Redacted

<sup>5</sup> Redacted

<sup>6</sup> Redacted

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only two of the documents. The common thread between these documents is subject 2, therefore, we believe subject 2 is the individual who should bear primary responsibility for this error. We do not believe that, in this case, subject 2's actions rise to the level of misconduct in science. However, we sent a letter to subject 2 strongly cautioning him to pay closer attention to the proper practices of citing literature and proposal preparation.

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