CLOSEOUT FOR M93010007

On January [redacted] 1993, Dr. [redacted] a program officer in the [redacted] Program in the Division of [redacted] within the Directorate for [redacted], informed OIG that he had received a letter from Dr. [redacted], the complainant, who is a faculty member in the Department of [redacted] at the University [redacted] The complainant had served as an NSF *ad hoc* reviewer on [redacted] which is entitled, [redacted]" The declined proposal was submitted by the subject, Dr. [redacted] who is a faculty member in the Department [redacted] at the University [redacted]. The complainant stated that the subject's proposal contained two figures that had been allegedly reproduced from the complainant's NSF award [redacted], entitled, "[redacted]") without permission, and that the subject had made false claims in his proposal. Allegedly he had falsely claimed that certain genetic probes had been used by the complainant and a colleague (Dr. [redacted] of the [redacted] and were available to him from the colleague. The subject's proposal cited the figures and information as personal communications provided by the complainant and colleague.

In response to OIG's request for information the subject said that he had been given the figures by the colleague with whom both he and the complainant were separately collaborating. He said the colleague had also provided him with the information about the genetic probes and offered to make these probes available to him if the proposal were funded. The colleague confirmed the subject's information and said that the figures contained facts found in commercial literature and publicly available. He said that he had requested the figures and information from the complainant for inclusion in the subject's proposal and had also sought and obtained permission to use them. He explained that he had originally planned to be a co-PI on the subject's proposal, but, ultimately, the subject had submitted it as the sole PI. He had provided the subject with the materials received from the complainant and told him that they had permission to use the material in the proposal.

The complainant told OIG that he recalled providing the materials to the colleague, but did not remember being asked if they could be used in the subject's proposal. He qualified this latter remark by stating that his failure to recollect the request did not mean that the colleague had not asked and had not received permission from him.

OIG concluded that the subject had been told that he had permission to reproduce the figures in his proposal and that he had accurately reported the information about the probes and their availability in his proposal. He had carefully cited the sources of his information as the complainant and the colleague. The allegations of plagiarism and false statements in the subject's proposal have no substance. OIG also concluded that the allegations reduced to a dispute between the colleague and complainant about whether, when the complainant provided the information to the colleague, he had been asked and had granted permission for the figures

containing publicly available information to be used in a proposal submission. The colleague claims this happened and the complainant cannot recall whether it did or not.

OIG concluded that further inquiry or investigation would not resolve this issue. The subject's proposal to NSF accurately reflects the source of the information it contains. The allegations against the subject have no substance. The dispute between the colleague and complainant, although unfortunate, is not resolvable and, in this case, not an issue of misconduct in science.

Therefore, OIG closed this inquiry, and no further action will be taken in this case.

cc: Staff Scientist, Deputy AIG-Oversight, AIG-Oversight, IG