

Closeout for M96100035

This case opened on October 23, 1996, when the complainant,¹ who works at a research center (the Center), alleged that an NSF proposal² he was asked to review contained ideas generated in his Center. He said he had received an NSF grant³ to pursue those ideas at the Center. Specifically, the complainant alleged that the subject,⁴ his former post-doctoral researcher who was now collaborating with the PI and co-PI of the proposal, had taken a specific implementation of an idea from his grant and given it, along with other ideas, to the PI and co-PI for inclusion in their NSF proposal. He said the subject had seen a draft version of his grant and had suggested some changes to it. The complainant thought it was inappropriate for the subject to take the idea and its implementation, which were developed in the draft, to other researchers because the complainant had originated the project. He also told us the subject had planned to stay at the Center to participate on this grant, as evidenced by the inclusion of his CV in the grant.

The PI and co-PI told us that the subject had approached them and suggested a way for them to incorporate the questioned idea and its implementation in their research. They said he did not tell them that he had discussed the idea with the complainant or that it had been used in the grant. The subject told us he developed the idea and its implementation as part of his thesis research. He provided a copy of a manuscript he, with his advisor and another scientist, had presented at a conference and submitted for publication.⁵ He said the complainant had not told him about his grant proposal, he had not worked on it, and he had not given the complainant permission to use his CV for that project.

We compared the subject's manuscript and the grant and found that the idea and its implementation were the same in both. The subject told us he had given the complainant a copy of the manuscript to help the complainant stay informed about the projects the subject was working on while at the Center and to engage the complainant's interest in those projects. He said he was not aware material from his manuscript or his CV would be used in the complainant's grant proposal.

Based on the information we had at that time, it appeared that the complainant had made a bad-faith allegation against the subject. We asked the complainant some questions to help our understanding of how the subject's idea and implementation were used in his grant proposal. He said, contrary to the subject's statements, that the subject had participated in the preparation of the grant and provided the subject's progress reports that confirmed this. He said he was

¹ (footnote redacted).

² (footnote redacted).

³ (footnote redacted).

⁴ (footnote redacted).

⁵ The manuscript was written and submitted before the subject began working at the Center.

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unaware of the subject's manuscript that contained the idea and its implementation or else he would have referenced it. The complainant said the subject had suggested using the idea and implementation in the grant proposal because it was applicable to the proposed research. He also said he included the subject's CV because the subject had given him indications that he would continue to work at the Center and remain involved in the research described in the grant proposal. However, he said the subject left his lab.

We concluded the subject originated the idea and its implementation and had a right to use that material with the PI and co-PI. However, it appears the subject was not forthcoming in his dealings with the complainant and also with the PI and co-PI. The complainant had reason to believe the subject had planned to carry out this research at the Center, but had instead inappropriately given it to the PI and co-PI. The PI and co-PI were unaware the subject had previously shared his idea and its implementation with the complainant or that that material was in the complainant's grant. Based on the information we have, the practices of the subject are not models of best practice, but do not constitute misconduct in science. Therefore, this inquiry is closed and no further action will be taken on this case.

cc: Integrity, IG