

CLOSEOUT OF M90010002

OIG received an allegation that [REDACTED] (the subject), [REDACTED] (the institution), had declined an applicant for a post-doctoral position in his laboratory because the applicant was a white citizen of South Africa. The complainant included copies of a letter to the editor of a scientific magazine and letters from the President and the General Counsel of the subject's institution, respectively. The letters establish that the subject informed the applicant that the subject's "laboratory has decided that it must support the boycott of scientific exchanges with South Africa" The letters from the President and General Counsel state that the institution did not learn of the subject's action until after the fact, and the letters stated unequivocally that the subject's action was contrary to the policy of the institution.

The subject is the Principal Investigator on a three year award from NSF, [REDACTED] for a total of \$30,000 for a [REDACTED]. The budget is composed of (1) upgrading the subject's computer (\$5,000), (2) [REDACTED] on a [REDACTED] (\$14,765), and (3) indirect costs (\$10,235). There is no allocation for salary.

Under federal law, "No person in the United States shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 42 U.S.C. § 2000d. There is no nexus between the subject's NSF award and the non-hiring of this researcher: the NSF award is very small, and includes no funds for the employment of any personnel; thus, it cannot be said that this discrimination occurred under the NSF award. Furthermore, it is clear that the subject's institution intends to comply with the law and has communicated to the subject that his action was contrary to the institution's policy as well as the law. Accordingly, this case is closed.

[REDACTED]
[REDACTED]
Counsel to the Inspector General

concur: *DEB* 9/30/92

James J. Zwolenski 9/30/92
James J. Zwolenski
Assistant Inspector General for Oversight

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