June 20 2018

Dr. Madhusudan Menon
323 Manitoba Lane
Lexington, KY 40515

Dear Dr. Menon:

You initially visited with Jeremy Enlow in the Institutional Equity and Equal Opportunity Office where you made a complaint of discrimination as the result of an alleged misuse of a gift. Mr. Enlow found no basis on which you have been a victim of discrimination in violation of University regulation. He suggested that you visit with me, as Chair of the University Ethics Committee.

We met on January 11, 2018 and have had email communications thereafter. You indicated that you wanted to file an ethics complaint in relations to a gift of $35,000.00 from the Semiconductor Research Corporation. Your ethics complaint concerns the facts that the University (specifically John Connolly, then Department Head of Center for Computational Sciences) in April of 1999 received a grant from Semiconductor Research Corporation, and that the grant has two stipulations, as follows: (1) the grant money ($35,000) was to be spent at your (Dr. Menon's) discretion and (2) the grant was to fund research in nano-electronics. Your allegation is that the $35,000 remained (at the time of our conversation) in an account and has not been spent in accordance with the directive of the giver.

After our meeting, you sent me a copy of the April 20, 1999 letter from Larry W. Sumney, President and CEO of Semiconductor Research Corporation. I note that Mr. Sumney's letter indicates that (1) the $35,000 is a gift, and (2) the $35,000 is to support your research in the fabrication of fullerene based molecular electronic devices using quantum mechanical simulation. Significantly, the $35,000 is a gift, and is not a grant; a gift is a charitable, philanthropic in nature donation whereas a grant is usually for a sponsored project whereby the grantor/giver will receive some commercial benefit. There are minimum restrictions on a gift, e.g., abiding with the general wishes of the giver, whereas there are substantial restrictions on a grant which would have to be administered through the Office of Sponsored Projects (OSPA). In addition, in our first conversation, you indicated that you believed that the gift provided for greater control by you than the document, in fact, provides. The document simply indicates support for your research.

You allege an ethics violation in that, at the time of our meeting, the $35,000 was still in a UK gift account and thus has not been spent for your research. After my review of this matter, I conclude that this is an accounting issue, not an ethics issue. The department/University supported your research for seventeen years. The department's making a decision to spend other funds/other accounts (up to $35,000) to support your position (and your research) and leave $35,000 in the gift account is simply an accounting decision; it is not an ethics violation. Most departments at the University have different accounts and different funding sources. There is no University regulation that requires a department to fund a salary from a particular source. The fact that the department left funds in the gift account and paid your salary from a different source is not an ethics violation.

You alleged that only 4 or 5% of your work time was allocated to your research in the fabrication of fullerene based molecular electronic devices using quantum mechanical simulation. Accepting that 4 or 5% of your time was for this research, the $35,000 would have been long ago used over the past seventeen years.

It is my understanding that more recently the department chair decided to extend your employment for four additional months. Further, I understand that $4,830.19 was spent on your foreign travel in June of 2017. Then, after your regular position was eliminated August 31, 2017, you were transferred to a temporary position in which you were employed from September 9, 2017 to December 30, 2017. Departmental records indicated that a total of $21,240.39 was spent on salary and benefits for you and $8,699.34 spent on foreign & domestic travel during this period. Further, departmental records show that the Molecular Electronic Gift account has $230.08 left in it.

In conclusion, I think that you had a misunderstanding of the nature of the gift and a lack of understanding of accounting procedures at the University. This was a gift to the University; it was not a grant. University funds, up to and probably more than $35,000, were spent supporting you and your research over the past 17 years. The fact that there was $35,000 in a gift account does not mean that the $35,000 gift was not spent to support you and your research. Your request for recommendation that the department create a position for you for one year to conduct your research and write grant proposals is denied. I find no violation of University ethics policies in this situation.

Sincerely,

T. Lynn Williamson, Chair
University Ethics Committee