



SRA INTERNATIONAL
ANNUAL MEETING
SEATTLE 2023
OCTOBER 14-18



Research Misconduct & Other Administrative Cases

Laurel L. Hester, PhD, CFE
Investigative Scientist, NSF Office of Inspector General



NATIONAL SCIENCE FOUNDATION
Office of Inspector General

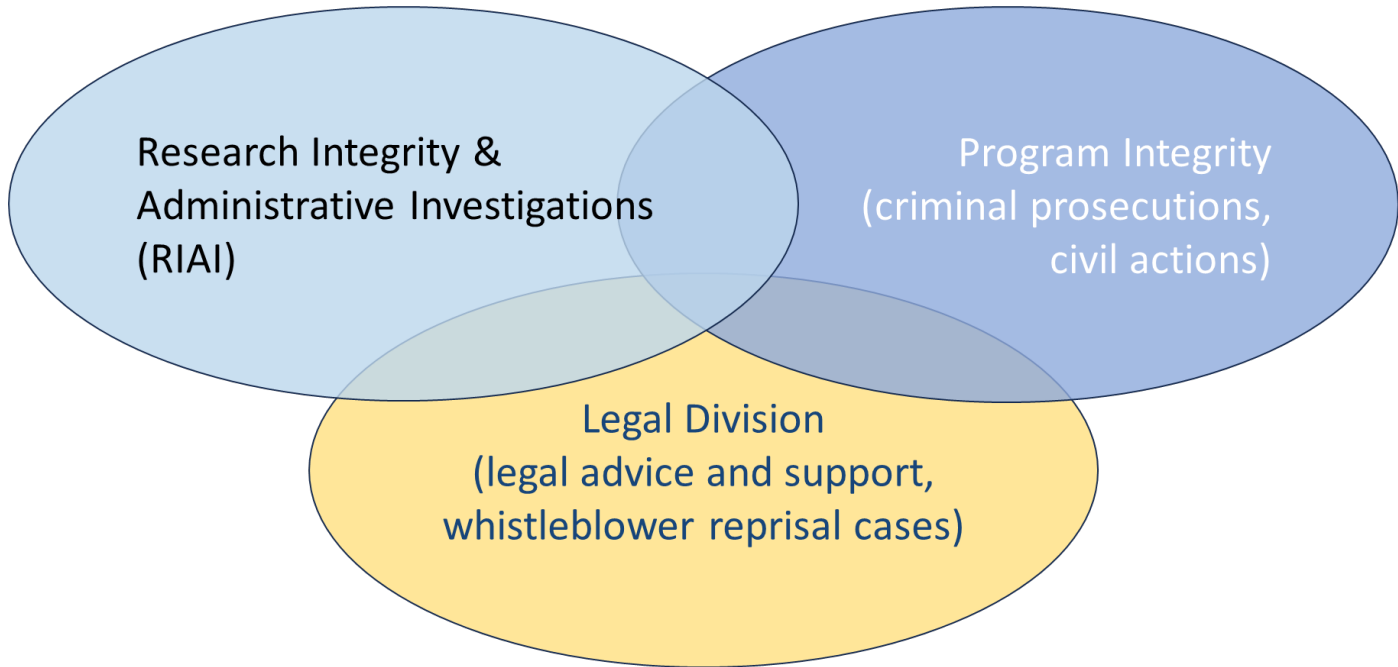
National Science Foundation (NSF)

- U.S. federal agency that supports science and engineering primarily by awarding grants.
- Provides about 25% of federal support to U.S. colleges and universities for basic research.

Office of Inspector General (OIG)

- Independent oversight authority with audit and investigation divisions; prevents and detects fraud, waste, and abuse in NSF programs or operations.

NSF OIG Investigations



* Note the area of overlap! RIAI coordinates with PI in appropriate cases and RM and other admin cases can become civil or criminal.

NSF OIG Investigations

Research Integrity &
Administrative Investigations
(RIAI)

Program Integrity
(criminal prosecutions,
civil actions)

Legal Division
(legal advice and support,
whistleblower reprisal cases)

Research Integrity & Administrative Investigations

- During the last 5 years, the RIAI division closed, on average, about 30 total cases per year. Most of these cases involved research misconduct.
- 10 – 25% of these cases are, typically, administrative cases involving non-research misconduct matters. Administrative remedies may also be sought by NSF OIG's Program Integrity division.
- This presentation focuses on administrative cases involving grantee institutions.
- Additional information can be found by searching: <https://oig.nsf.gov/investigations/case-closeout-memoranda>

Presentation Objectives

- Identify common administrative violations investigated by NSF OIG, and the federal rules, regulations, or policies associated with these violations.
- Analyze proposal and award red flags and discuss how research administrators and institutions can decrease the risk of administrative violations.

Common Administrative Case Types



**Grant Terms and
Conditions Violations**



Research Misconduct

- ◆ Falsification
- ◆ Fabrication
- ◆ Plagiarism



**Noncompliance
typically reported to
the Institution**



A RM definition is shared across most US federal agencies. Under 45 CFR § 689, NSF OIG conducts and oversees investigations and makes recommendations to NSF.

Research Misconduct (RM)

- ◆ Falsification
- ◆ Fabrication
- ◆ Plagiarism

The Institution's Research Integrity Officer (RIO) is our point of contact.

- ***Do you know who your institutional RIO is and how to contact them?***
- ***Could a complainant easily find their contact information?***

Definitions

Plagiarism: appropriation of another person's ideas, processes, results or words without giving appropriate credit

Fabrication: making up data or results and recording or reporting them

Falsification: manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record

Research Misconduct example:

Allegations

NSF-supported graduate student committed data ***falsification, plagiarism*** of another researcher's dissertation, and ethical violations in preparing/submitting a manuscript that 2 journals published.

University Assessment

Determined the graduate student intentionally, knowingly or recklessly committed plagiarism and falsification.

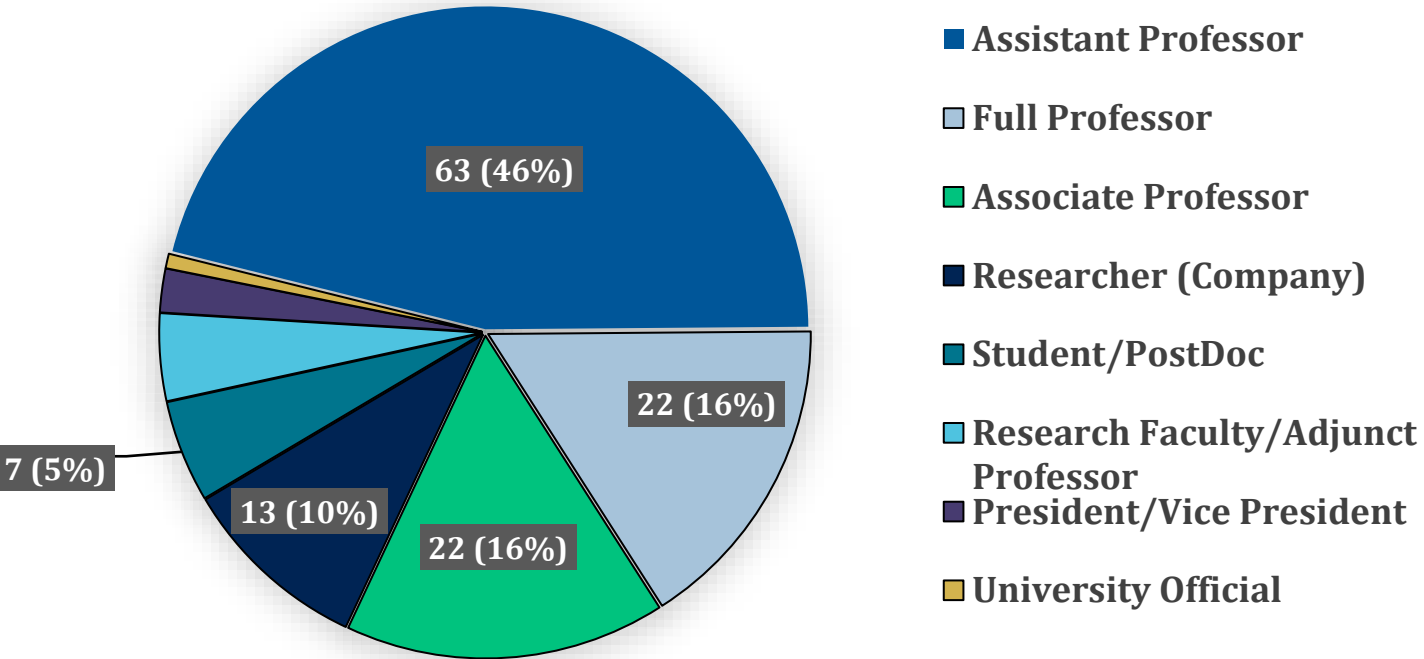
University Actions

Graduate student dismissed; two publications retracted; recommendation that graduate student's department ensure all students receive appropriate training.

OIG Assessment & NSF Actions

Concurred with University; RM finding & Letter of Reprimand; 3-year debarment; 6-years' certifications & assurances.

Analysis of 10 years of Plagiarism Cases with Findings: Subjects often employed in junior academic positions





Unless otherwise specified, award terms and conditions are specified in NSF's Proposal & Award Policies & Procedures Guide (PAPPG). Some implement other regulations (e.g. 2 CFR § 200)

Grant Terms and Conditions Violations

The PAPPG is updated every 1 – 2 years.

- *What proportion of PIs are likely to read all of a new PAPPG?*
- *How do you or your office keep up with these types of changes?*

Grant Terms and Conditions Violation example:

Allegation

Non-compliance with CAREER grant requirement that PI be in a tenure track position at US institution after PI accepted a position at a foreign institute, maintaining adjunct status at U.S. university.

University Lapse

Failed to notify NSF of change in PI status;
After investigation, returned more than \$50,000.

NSF Action

Terminated award.

OIG Action

Warning letters to university and PI.



Noncompliance typically reported to the Institution

The PAPPG, along with laws and regulations such as the Animal Welfare Act and NSF's revised Common Rule (45 CFR § 690), describe the institution's responsibilities.

Does your office interact with any of these committees?

- ***Animal Care and Use (IACUC)***
- ***Institutional Review Board (IRB)***
- ***Biohazard Committee (IBC)***

Human Subjects Research non-compliance example:

Allegations

Poor grant administration and failure to follow multiple federal regulations.

University Assessment

Determined mistakes were honest errors.

University Actions

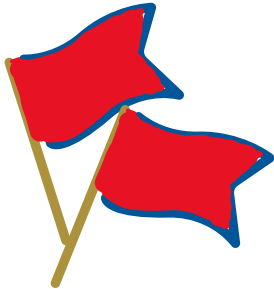
Research suspended temporarily, affected research samples destroyed, \$350,000 returned to NSF, PI oversight plan implemented.

OIG Action

OIG warning letter to PI.
(Federal interests protected by University actions)

** Approximately 14% of NSF awards planned to involve human subjects research.*

Proposal and Award Red Flags



- Proposal cover page information may indicate research complexities that increase noncompliance risks.
- Certain spending and reporting patterns could also indicate noncompliance risks

What red flags have you observed?

- Something about the proposal or award circumstance?
- A warning sign?
- A change?



What additional information could you get?

What support could you offer or guide someone to?

Scenario

You receive an email from a department chair asking you about the remaining funds for an award whose co-PI was recently designated as PI following the sudden departure of the original PI to take a new position. You pull up information on the new PI and see regular spending on older awards, but hardly any on the specified award.

Warning! PI/Co-PI has Overdue Annual or Final Project Report(s) and/or Project Outcomes Report

THIS PROPOSAL INCLUDES ANY OF THE ITEMS LISTED BELOW

☒ TYPE OF PROPOSAL research

☐ COLLABORATIVE STATUS _____

☒ BEGINNING INVESTIGATOR

☐ DISCLOSURE OF LOBBYING ACTIVITIES

☐ PROPRIETARY & PRIVILEGED INFORMATION

☐ HISTORIC PLACES

☒ LIVE VERTEBRATE ANIMALS IACUC App. Date 01/01/2021

PHS Animal Welfare Assurance Number A####-01

☐ HUMAN SUBJECTS Human Subjects Assurance Number _____
Exemption Subsection _____ or IRB App. Date _____

☐ FUNDING OF INT'L BRANCH CAMPUS OF U.S. IHE

☐ FUNDING OF FOREIGN ORGANIZATION OR FOREIGN INDIVIDUAL

☐ INTERNATIONAL ACTIVITIES: COUNTRY/COUNTRIES INVOLVED _____

☐ POTENTIAL LIFE SCIENCES DUAL USE RESEARCH OF CONCERN

☒ OFF-CAMPUS OR OFF-SITE RESEARCH

Some potential warning signs:

- PI new, or juggling many grants
- PI or other personnel changes
- Missed internal deadlines
- Multiple no-cost extensions
- Overdue reports
- Spending little while claiming lots of progress
- People other than PI making charges
- Charged time across grants is more than 12 person-months per year



Risk-mitigation Strategies

- Manage deadlines to prevent rushed proposal submission
- Facilitate plagiarism and/or image check software use
- Track training, and review records periodically
- Encourage questions, especially from new investigators
- Cross-train and gain familiarity with other offices
- Check grant spending and reporting/internal audits
- Communicate whistleblower protections
- Others?

Whistleblower Protection

Who is protected from Retaliation for making Protected Disclosures?



Current and Former NSF Employees



Applicants for NSF Employment



Employees of a Federal Contractor or Subcontractor



Employees of Grantee or Subgrantee

What are protected disclosures?



Violations of any law, rule, or regulation



Gross waste of funds, gross mismanagement, and abuse of authority



Substantial and specific danger to public health and safety

Grantee employees are protected if they make disclosures to their management, NSF OIG or an official with responsibility to investigate or address misconduct.

See: oig.nsf.gov/resources-outreach/whistleblower-information.

NSF OIG's Whistleblower Ombudsman: ombudsman@nsf.gov

We appreciate all you do – small efforts add up and may prevent problems!



Institutional Culture

Training

Support

Questions?

Presenter Email: LHester@nsf.gov

NSF OIG Hotline: <https://oig.nsf.gov/contact/hotline>; (800) 428-2189