



Investigations at the NSF Office of the Inspector General

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Learning Objectives



- Understand the role of NSF OIG in investigating allegations
- Identify common violations NSF OIG investigates

An Office of Inspector General (OIG) is an independent office that:



Promotes economy, efficiency, and effectiveness; prevents and detects fraud, waste, and abuse in agency programs and operations



Reports to head of agency (e.g., the National Science Board) and Congress



Has full access to records and subpoena power

About NSF OIG

Our Office of Audits and Office of Investigations work together to provide independent oversight of NSF. Specifically, we:

- Audit and inspect NSF's programs, operations, grants and contracts.
- Share findings and make recommendations for improvement.
- Investigate wrongdoing involving organizations or individuals that receive awards from, conduct business with, or work for NSF.
- Investigate allegations of research misconduct.



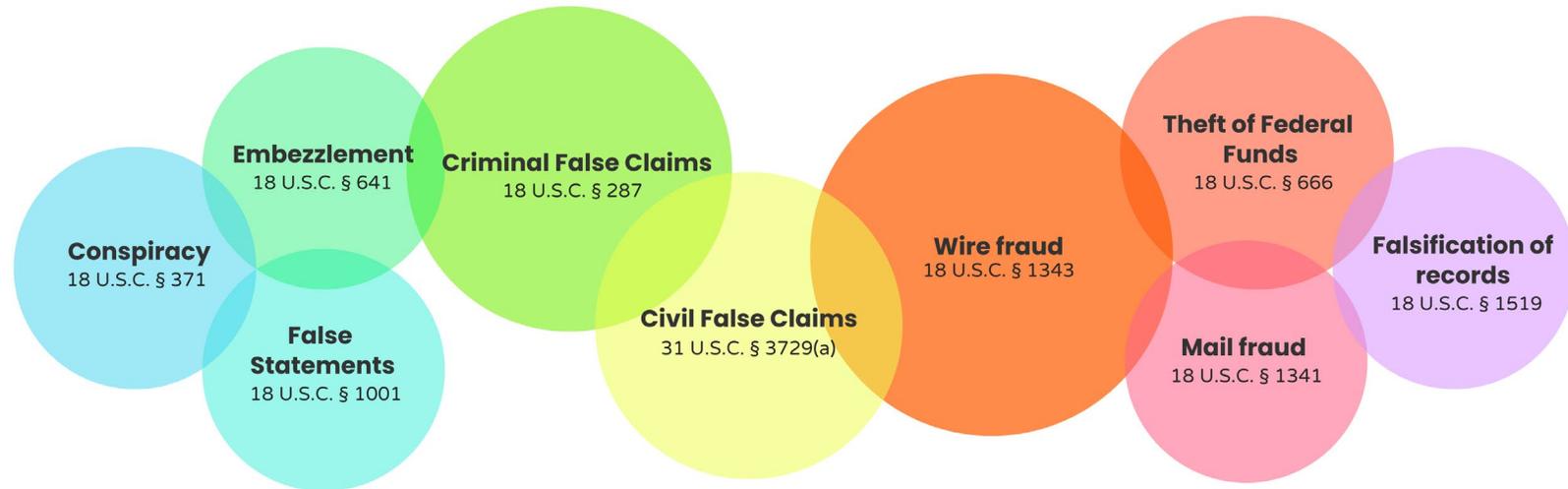
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NSF OIG Office of Investigations

Conducts criminal, civil, and administrative investigations

Civil & Criminal

- False claims
- False statements
- Misuse of grant funds
- Theft/Embezzlement
- And more!



Administrative

- Research Misconduct (45 C.F.R. § 689)
- Violations Merit Review Confidentiality
- Whistleblower Retaliation (41 U.S.C. § 4712)
- And more!

Investigative Outcomes

- Refer to NSF
 - Administrative matters may result in:
 - Termination/Restrictions on awards
 - Certifications/Assurances
 - Suspensions/Debarments
 - Reprimands/Retractions
 - Criminal or civil matters may result in:
 - Prosecution
 - Settlement agreement/Compliance agreement
 - Fines, reimbursements, incarceration
- Referral to OIG Office of Audits
- Close without further actions



Terms and Conditions

- Uniform Guidance (e.g. 2 C.F.R. § 200)
- NSF's Proposal & Award Policies & Procedures Guide (PAPPG)
- Program Solicitations
- Award Letters
- Your Own Policies



Research Misconduct Case Study: Plagiarism

What went wrong:

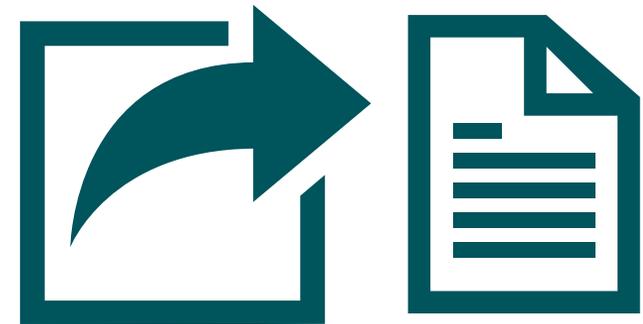
- PI plagiarized text and figures in 3 different proposals
- The PI claimed the University and the AOR bore partial responsibility for not preventing him from submitting proposals with plagiarized material

What went right:

- The plagiarism was recognized during the review process
- The PI admitted he knowingly submitted proposals that contained plagiarized material

Outcome:

- The PI resigned from the University
- NSF required 3 years of certifications and assurances



Research Misconduct and Administrative Violation Case Study: Plagiarism and Merit Review Violation

What went wrong:

- PI served as NSF reviewer and copied material from a proposal he reviewed into his own proposal
- PI also plagiarized from various other sources in other proposals

What went right:

- The PI admitted he copied the material

Outcome:

- University required the PI to submit plagiarism reports for proposals and papers for 3 years
- NSF debarred the PI for 2 years and required 5 years of certifications and assurances



Research Misconduct Case Study: Data Falsification

What went wrong:

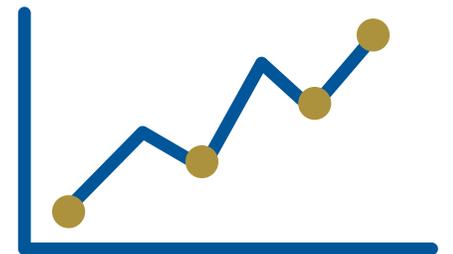
- Former grad student falsified data in publications, his dissertation, a patent, and proposals
- The PI was concerned about the former grad student's work but was advised by a dean to "let it go."
- Actions was not taken until 3 years later

What went right:

- The University initiated an inquiry and notified us when they determined an investigation was necessary

Outcome:

- University rescinded Ph.D.
- NSF debarred the graduate student for 1 year and required 4 years of certifications and assurances
- Warning letter to the PI



Research Misconduct and Criminal Case Study: Data Fabrication, Records Falsification, and Identity Theft

What went wrong:

- Graduate student fabricated data for more than a dozen figures in dissertation
- During the investigation, graduate student created “exculpatory” evidence including forging a letter from an IT forensics firm

What went right:

- Supervising mentor reported
- University IT specialist uncovered deception

Outcome:

- University rescinded Ph.D.
- NSF debarred the graduate student for 3 years and required 4 years of certifications and assurances
- Deferred prosecution agreement w/ admission, excluded from federal work, and 120 hours of community service



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Administrative Violation Case Study: CAREER Award Conditions

What went wrong:

- PI moved to a foreign institution
- University made the PI an adjunct
- Award was not relinquished

What went right:

- University cooperated with our investigation

Outcome:

- Award was terminated
- University returned \$70,000
- Warning letters to the PI and the University



Administrative Violation Case Study: COI Non-Compliance

What went wrong:

- University did not collect required conflict of interest disclosure forms

What went right:

- University fully cooperated with the investigation

Outcome:

- University revised its COI policy and implementation practices
- Replaced two senior employees
- Returned \$1 million to NSF for non-compliance with grant terms and conditions



Administrative Violation Case Study: Misallocation of Funds

What went wrong:

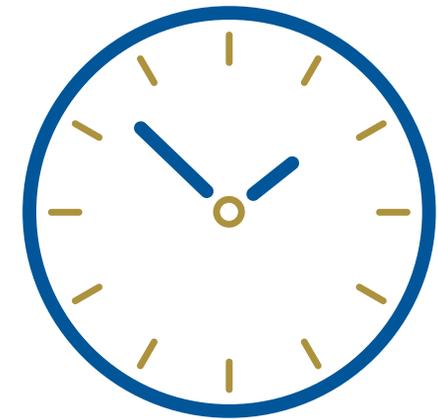
- An SBIR PI directed employees to charge time to an NSF award for work unrelated to that award

What went right:

- The PI admitted employees charged their time to the NSF award for unrelated work

Outcome:

- NSF withheld the remaining \$150,000 of the award



Civil Case Study: Grad Student Teaching Costs Charged to Research Grants

What went wrong:

- Research grants were charged unrelated teaching costs

What went right:

- University attempted to, and ultimately did, fix the problem

Outcome:

- \$3.75 million civil settlement



Civil Case Study: Failure to Disclose Foreign Funding

What went wrong:

- University failed to disclose current and pending support from foreign sources
- Deficiencies in effort tracking allowed PIs to be over committed

What went right:

- The issues were identified through an OIG proactive review
- University cooperated with the investigation

Outcome:

- NSF suspended and later terminated 14 awards
- University entered a settlement agreement for \$2 million



Civil and Criminal Case Study: PI Falsified Certifications for IUCRC Award

What went wrong:

- An IUCRC center was not compliant with the award terms and conditions
- The PI falsified certifications

What went right:

- The University cooperated with the investigation
- The PI ultimately admitted wrongdoing

Outcome:

- The PI sentenced to home detention and paid \$40,000 in restitution on two counts of false statements
- The PI was debarred for 3 years
- The University returned \$100,000 to NSF and paid a \$100,000 False Claims Act settlement



Whistleblower Protection

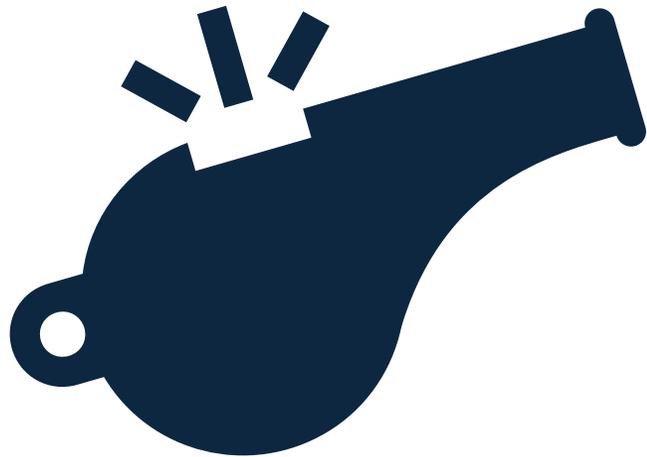
Who is protected from Retaliation for making Protected Disclosures?

-  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

Whistleblower Ombudsman / Coordinator



William J. Kilgallin

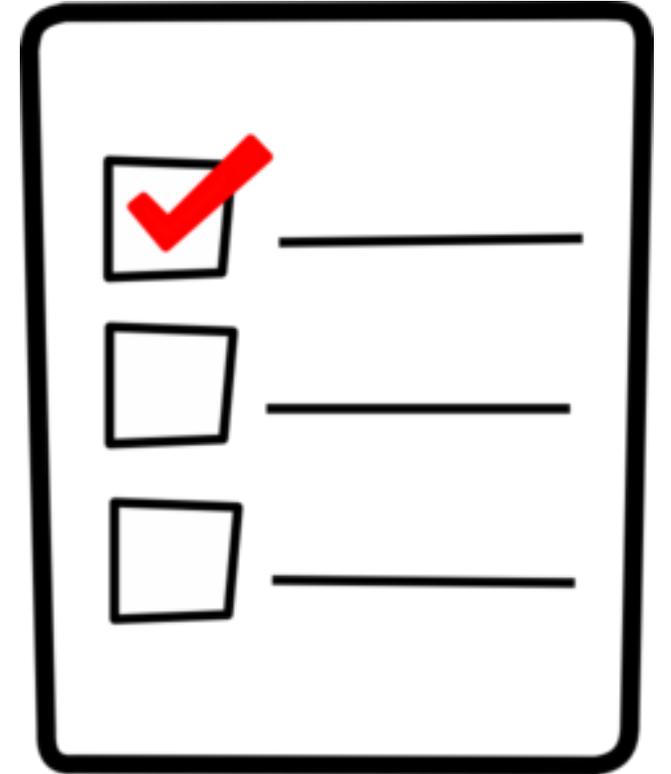
Senior Advisor, Investigations
NSF OIG

ombudsman@nsf.gov

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

Take Aways

- Read the rules
- Follow the rules
- Read your policies (update, if necessary)
- Follow your policies
- Document, document, document
- If you have questions, ask



Contact Us

You can report fraud, waste, or abuse to us at any time.

Report violations of laws, rules, or regulations; mismanagement; research misconduct; or whistleblower retaliation via our Hotline:

- Web oig.nsf.gov/contact/hotline
- Phone **1-800-428-2189**
- Email oig@nsf.gov

General Inquiries and Questions

- OIGpublicaffairs@nsf.gov
- 703-292-7100



The screenshot shows the homepage of the U.S. National Science Foundation Office of Inspector General. At the top left is the logo for the National Science Foundation Office of Inspector General. To its right is the text "U.S. National Science Foundation Office of Inspector General". In the top right corner, there is a red button labeled "REPORT FRAUD, WASTE, & ABUSE" with a search icon to its right. Below the header is a navigation menu with links for "About", "Reports & Publications", "Audits", "Investigations", "Resources & Outreach", and "Contact". The main content area features a blue background with a network diagram and the text "Promoting Effectiveness, Efficiency, and Economy". Below this is a paragraph describing the office's mission: "We provide independent oversight of the U.S. National Science Foundation to improve the effectiveness, efficiency, and economy of its programs and operations and to prevent and detect fraud, waste, and abuse." A green "Learn more" button is positioned below the paragraph. At the bottom, there is a "Recent Reports" section with two entries: "Semiannual Report to Congress, October 1, 2023 – March 31, 2024" dated May 30, 2024, and "Performance Audit of Incurred Costs – University of Alabama" dated May 24, 2024.



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Questions?

