

NSF Ferrets Out and Punishes Research Misconduct

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NSF's Office of the Inspector General (OIG) issued its Semi-Annual Report to Congress on March 31. As the 43-page report notes, "OIG promotes economy, efficiency, and effectiveness in administering NSF programs; detects and prevents fraud, waste, and abuse within the NSF **or by individuals that receive NSF funding**; and identifies and helps to resolve cases of research misconduct." See our article "*Avoid NSF's 'Perp Walk' Audit for Plagiarism*" in the August 2013 issue of this newsletter. The following is a very *condensed summary quotation* of the 43-page report noting some of the more egregious cases of research misconduct, particularly related to plagiarism in the research narrative and research misconduct.

"Research misconduct," the agency notes, "damages the scientific enterprise, is a potential misuse of public funds, and undermines the trust of citizens in government-funded research. It is imperative to the integrity of research funded with taxpayer dollars that NSF-funded researchers carry out their projects with the highest ethical standards." For these reasons, as NSF states in the report, "**pursuing allegations of research misconduct (plagiarism, data fabrication, and data falsification) by NSF-funded researchers continues to be a focus of OIG's investigative work.**" In recent years, the agency observes, "**OIG has seen a significant rise in the number of substantive allegations of research misconduct associated with NSF proposals and awards.**"

In one notable case summarized in the report, OIG set its sights "on pursuing fraud in the Small Business Research Innovation/ Small Business Technology Transfer programs. An investigation by OIG culminated in a trial that **resulted in a Principal Investigator (PI) being convicted on seven felony counts including wire fraud, mail fraud, falsification of records, and theft.** His sentencing is scheduled for July 2014. The PI, a full-time professor at a Maryland university, created a company and applied to NSF's STTR program. He falsely certified on his STTR proposals and reports that he was primarily employed by the small business during the period of the award, while he continued as a full-time university professor. **This case arose from OIG's ongoing proactive review of STTR and SBIR companies.**"

This most recent OIG report to Congress should serve as a "warning shot across the bow" that NSF/OIG take research misconduct in all its multiple manifestations very seriously, regardless, as the report notes, of whether this misconduct relates to fiscal misconduct on NSF funded purchases, plagiarism in the research narrative, falsification of research data, or fabrication of research data. None of the cases in this 43-page investigative report rise to the level of major crimes, **although it could be argued they rise to the level of major stupidity**, nor does the report provide the night time crime drama entertainment that could be had by watching TNT's *Major Crimes* this summer season.

Of course, a similar question comes to mind in reading both the OIG investigative report and watching *Major Crimes*—**how dumb can these "perps" possibly be?!** However, for anyone involved in the submission of proposals to NSF, either as a principal investigator or member of a research office, this OIG report should be interpreted as **the first kick of the mule**, in keeping

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with Speaker Sam Rayburn's wise observation that "***there is no education in the second kick of the mule.***"

Most importantly for those actually involved in the writing of an NSF Project Description, some reflection on the sections of this investigative report that address the OIG's investigative audits related to plagiarism is clearly warranted. The sections of your proposal to be scrutinized include both the core research narrative, the broader impacts-related proposal sections, as well as biosketches and commitment letters, which should be reviewed for plagiarism, data fabrication, and other embellishments of the facts, such as the fraudulent paperwork submitted by the above mentioned PI on an STTR.

For example, this report notes that "OIG referred 13 cases of research misconduct to NSF. These included a graduate student who admitted fabricating data, a professor who plagiarized in eight NSF proposals, and a PI who plagiarized in a CAREER proposal." However, under the old observation that "*what is good for the goose is good for the gander,*" OIG also ferrets out cases of misconduct by NSF program officers.

In one case, the report notes, "OIG investigated a complaint alleging that an NSF program officer violated conflict of interest rules and was making award decisions based on personal and professional relationships, rather than on the merits of the proposals. OIG's investigation revealed that the program officer, who was the principal and founder of an outside business, created conflicts of interests by misusing his NSF position to benefit himself, his family, and his friends financially. The misconduct included:

- approving an NSF award supplement to employ his stepson;
- facilitating the employment of his girlfriend by one of his awardees;
- soliciting work from NSF awardees to benefit his private company;
- receiving a "finder's fee" as a result of setting up a business venture for an NSF awardee;
- entering into an outside contract between his private company and a Texas university, facilitated by the president of one of his awardee companies;
- making introductions to and/or intervening in his NSF colleagues' decisions for the purpose of aiding his private business and its clients, and, in one instance, getting paid for it; and
- receiving a personal benefit for reviewing patents for an individual whose company had an active NSF award on which he served as program officer."

When NSF learned about this last item, the report states, "it deprived him of all of his responsibilities for representing NSF and handling proposals and awards, giving him other duties to perform. NSF referred this matter for criminal prosecution, which was declined. NSF then referred the findings to NSF management, after which the program officer resigned—***after nearly nine months without performing program officer responsibilities.*** OIG recommended that NSF debar him governmentwide; NSF's decision is pending."

In another case noted in the report, an "***OIG investigation identified copied text in three NSF proposals submitted by a professor from a Tennessee university.*** A university investigation found that the professor committed plagiarism, but that his actions were careless and did not constitute a significant departure from the standards of his research community. However, the OIG investigation concluded that the professor acted recklessly and that his

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actions did constitute a significant departure from the standards of his research community, **and therefore that he did commit research misconduct.**

“The OIG investigation also determined that, between 2004 and 2011, the professor served as an NSF review panelist six times. On each occasion, the report notes, NSF provided him a flat rate to cover expenses for lodging and meals; nonetheless, he also requested and received duplicate lodging and meal reimbursements from his university. Based on his plagiarism and deceptive conduct, OIG recommended that the professor be debarred for two years and that NSF require him to complete an ethics course within one year.”

In another case in the report, “a Florida university determined that a **professor intentionally committed extensive plagiarism in several proposals, including two proposals he submitted to NSF as PI**. Despite the professor’s claim that no other proposals contained copied text, **OIG’s investigation found substantial plagiarism in six additional NSF proposals**. OIG recommended that NSF debar the professor for one year, followed by a three-year ban on serving as a reviewer, advisor, or consultant; and a required three years of certifications and assurances.”

In yet another case in the report, “a lab director in Illinois plagiarized text, ideas, and structure from an awarded NSF proposal she had obtained from the proposal’s PI. During the inquiry, she told OIG she thought the PI had given her permission to copy text and ideas from the proposal, which was aimed at the same NSF program as hers. Her institution investigated, found that she violated its code of ethics, and imposed sanctions. **OIG concluded that the lab director knowingly plagiarized and recommended that NSF debar the lab director for one year**, require three years of certifications and assurances, and bar her from serving as a consultant or reviewer for NSF for three years.”

In yet another plagiarism case, the report notes that “a professor at a Tennessee university plagiarized in a CAREER proposal submitted to NSF. The professor asserted that he was rushed in preparing the proposal and did not have time to properly edit his submission. **However, the same copied text appeared in proposals he later submitted to other federal agencies, seeking support for the same research that was already funded by the NSF CAREER award**. The university made a finding of research misconduct, required training in the responsible conduct of research, and placed the professor under the mentorship of a senior faculty member. OIG agreed with the university’s conclusions, and recommended that NSF impose a three-year period of certifications and assurances, and a concurrent prohibition from service to NSF as a reviewer, consultant, or advisor.”

The OIG report notes the case of “a professor from a Texas university who plagiarized about three pages of material in his NSF proposal. Claiming that he was rushed by deadlines, the professor accepted full responsibility for his actions. His university determined that he committed research misconduct in failing to properly attribute the work of others within his proposal. OIG concurred with the university’s assessment and recommended that NSF require certifications and assurances for three years and bar the professor from serving as a reviewer for two years.”

The examples above should give everyone pause of sufficient duration to make sure there are no such problems in your proposals.

A copy of the full report can be found [HERE](#).