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OIG Details Missteps by Universities Handling Suspected Misconduct in NSF-Funded Research

By Theresa Defino

A principal investigator (PI) who was initially accused of one instance of plagiarism noted that he had similarly copied text into two other National Science Foundation (NSF) proposals as a way of explaining how he did citations in applications versus in publications. But, as the NSF Office of Inspector General described it, “the PI’s response to our inquiry did not dispel the allegation,” and OIG ultimately determined he had “knowingly committed plagiarism” in three proposals by inserting text from three sources.^[1]

But the PI’s university had itself found that he was “not culpable” for four instances of plagiarism because he “did not realize he needed to be as thorough with citations in a proposal as he did in a publication”—reasoning OIG called “inconsistent and contrary to NSF guidance.”

This is among five research misconduct cases that OIG concluded during the six-month period ending Sept. 30 that are now awaiting action by NSF. The fact that the university didn’t make a finding but that OIG said one was warranted is a common theme among the cases, which are described in broad outlines without identifying details in OIG’s most recent semiannual report (SAR) to Congress. In a half-dozen other cases, NSF made misconduct findings and imposed sanctions of up to three years against investigators.^[2]

Another theme—as this case also demonstrates—is that some universities are mishandling allegations of misconduct.

In the case involving citations, OIG explained that it received an allegation of one instance of plagiarism “in a single proposal,” but its investigation turned up three examples in the proposal. The PI told OIG “similar copied text appeared in two other proposals he submitted,” and OIG referred the case to the university. But in investigating four allegations, the university made no finding, accepting the PI’s explanation that he didn’t know the proper way to include citations. Believing the university had erred, OIG “conducted a full review of the allegations and evidence.”

OIG officials recommended NSF make a finding due to the fact that the PI “stated he understood plagiarism but did not exercise the same care with citations in a proposal as in a publication.”

The PI should receive a letter of reprimand, be required to complete interactive training on the responsible conduct of research (RCR), and for a year submit certifications and assurances to NSF and not serve as a peer reviewer, advisor or consultant to NSF, OIG said.

University Quit After Inquiry Completed

Family matters; “heavy teaching, research, and mentoring loads”; and more job responsibilities at his university contributed to plagiarism in a proposal, a PI told OIG. He later submitted a “corrected” proposal indicating “he adapted” a figure from a “pre-existing source” when questioned about a figure he stated he had designed.

After OIG referred the matter to the PI's university, officials there discovered a "pattern of plagiarism," but then bungled things from there.

The university "concluded, during an inquiry and without much explanation, that he recklessly and carelessly committed plagiarism, and deemed it a significant departure from accepted practice of the research community," OIG said. The university imposed a number of requirements on the PI, but OIG was not satisfied with how the case was handled.

"The university required that the PI submit all publications and proposals for software and faculty review for 2 years; be ineligible for tenure or promotion for 1 academic year; not receive a merit increase for 1 year; have a letter of reprimand placed in his file and promotion packet; register for and attend an integrity workshop and provide certification of completion within 6 months; and communicate" to the university any action taken by NSF, OIG said.

But the university itself failed to conduct an appropriate misconduct process, OIG said. Its initial inquiry process failed to include an "assessment of the required elements of a research misconduct determination, particularly regarding intent and whether the act was a significant departure from accepted practice."

Moreover, the university didn't convene a committee to conduct an investigation after the conclusion of the inquiry as required.

"We could not accept the report in lieu of conducting our own investigation," OIG said, noting that it reached similar conclusions. "Our independent investigation determined the PI knowingly committed plagiarism, deeming it a significant departure from accepted practices. We also determined that the PI exhibited a pattern of plagiarism, having plagiarized in a second declined NSF proposal."

In this case, OIG is recommending that NSF impose sanctions for three years.

FOIA Request Aided Plagiarism

The fifth time was a charm for a PI who had been trying to receive funding for a scholarship program, but his success was based on text plagiarized from an awarded proposal the PI received by filing a federal Freedom of Information Act (FOIA) request. And yet, even that wasn't the full extent of the plagiarism, OIG discovered.

The case began as an "allegation of intellectual theft and plagiarism" related to the FOIA request, OIG said, adding that the PI "used the awarded proposal as a template, adapting sections to his university and geographical area, but retaining substantial similarity to the previously awarded proposal. During our investigation, the PI told us that the proposal was the fourth resubmission, the first three having been submitted prior to receiving the awarded proposal via FOIA."

So OIG went back and looked at those three submissions "and found that the PI had copied about half of the proposals from a different faculty member's awarded proposal at his prior university." Remarkably, OIG "found that during our inquiry the PI resubmitted the proposal a fifth time with minimal revisions"—and this time it was awarded.

OIG doesn't say much about the award except that it was "used to establish a scholarship program." An NSF program officer (PO) "confirmed that the plagiarism likely contributed to a higher ranking among NSF review panel members." It is not clear whether the PO knew about the plagiarism and permitted the award regardless; the report states that "the PO's subsequent scrutiny revealed that the PI's program was robust, which led to the award."

As for the PI, his university concluded he had “intentionally plagiarized, and the plagiarism constituted a significant departure from accepted practices,” but OIG does not describe what, if any, consequences he faced.

Worth noting: Although OIG is recommending that NSF make a misconduct finding accompanied by the usual reprimand letter, retraining and advising ban for three years, it isn’t asking NSF to withdraw the funds “because an award termination would most heavily impact students whose college scholarship programs were underway.”

PI Cited Memory Loss

Similarly, another PI thought to use parts of awarded proposals to boost his chances of success, including supplementary documents from another team, an allegation that first came to OIG.

“The PI’s university found that the PI was the only author with a copy of the awarded NSF proposal,” OIG said. “The university concluded the text was intentionally copied because the PI only minimally edited the source text. The PI accepted responsibility for the plagiarized text, although the PI stated that due to a medical condition, he could not remember the plagiarism.”

NSF should impose the usual range of sanctions that include a letter, training and a ban on advising for two years, OIG said; it did not describe any actions the university took against the PI.

After Subpoena, OIG Seeks Debarment

OIG recommended debarment—the most severe administrative sanction—in just one case among those that are awaiting an NSF decision. This case involves a postdoctoral investigator whose university found that he had falsified data and figures in an unpublished manuscript and in a published paper, which has since been retracted.

It appears the postdoc attempted to thwart both the university’s investigation and OIG’s—at one point OIG even exercised its subpoena powers, apparently to no avail.

As part of the required two-step process, the university began an inquiry into falsification allegations but said before it could finish, the postdoc left. Finding an investigation—the second step—was warranted, the university moved forward.

According to OIG, the postdoc “said he would not publish the manuscript, that his departure should preclude an investigation, and that NSF funds were not involved because he worked on weekends.” He said “his friend personally paid for the experiments,” which the PI estimated cost \$15,000, according to OIG.

The postdoc “declined all invitations for meetings and provided none of the requested data to the investigation committee.” At some point OIG entered the picture, and “issued a subpoena for the data,” after which the postdoc “responded that the data were in the PI’s lab, so he had no data to provide.”

However, the PI and other lab members found nothing after they “searched all lab computers and equipment for the postdoc’s data.”

Lab Also Faced Repercussions

It is not clear what actions, beyond the finding and requiring a retraction, the university took against the postdoc—but this case demonstrates that misconduct can have repercussions for a related PI and the lab itself. OIG explained that the university, following the departure of the postdoc and the misconduct finding, “directed the PI and current lab members to develop a written data management plan for the laboratory, including secure storage of raw and processed research data, regular and routine data reviews, and research documentation and reporting practices.”

In addition to issuing a letter of reprimand and requiring RCR training, OIG is recommending NSF impose a three-year debarment, and for two years afterward (for a total of five years), mandate certifications and assurances, require a data management plan, and prohibit his service as an NSF advisor or reviewer.

It is not certain that NSF will accept OIG's recommendation to debar the postdoc; in fact, during the full 2020 fiscal year (FY) that recently concluded, OIG reported that NSF did not debar any investigators for misconduct, despite its recommendation that two receive this sanction.^[3]

FY 2020 marked the first FY since perhaps 2002 that there were no debarments for research misconduct, according to information OIG provided RRC. NSF officials told RRC they could not support OIG's debarment recommendations in these two cases for legal reasons. They also said, however, that the agency had debarred one investigator for research misconduct during the FY but that it correlated to an OIG finding from FY 2019 and thus was recorded under activities for that year.

1 National Science Foundation Office of Inspector General, *Semiannual Report to Congress: April 1–September 30, 2020*, NSF-OIG-SAR-63, <https://bit.ly/38Xp4T3>.

2 Theresa Defino, "NSF Misconduct Findings Carry Training, Other Requirements," *Report on Research Compliance* 18, no. 3 (March 2021).

3 Theresa Defino, "OIG FY 20 Report Shows Drop in NSF Debarments for Misconduct," *Report on Research Compliance* 18, no. 2 (February 2021), <http://bit.ly/2Z7nmZx>.

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