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In This Month's E-News: November 2019

By Theresa Defino

- ◆ **NIH should “update its guidance on vetting peer reviewer nominees to identify potential foreign threats to research integrity” and “develop a risk-based approach for identifying those peer reviewer nominees who warrant additional vetting,”** the HHS Office of Inspector General (OIG) said in the report, the third in a recent series. NIH’s Center for Scientific Review (CSR) manages more than 27,000 peer reviewers who are often familiar, having been awardees. “CSR verifies nominees’ scientific expertise using multiple sources such as their publication and grant histories...assesses nominees’ communication skills and their ability to leverage those skills in a peer review setting,” and verifies they have not committed research misconduct, OIG said. (10/17/19)
 - ◆ **Drexel University has agreed to pay the federal government nearly \$190,000 to settle allegations that, for 10 years, one of its researchers spent U.S. awards on “gentlemen’s clubs and sports bars in the Philadelphia area,”** according to an Oct. 7 announcement by the U.S. Attorney’s Office for the Eastern District of Pennsylvania, part of the Department of Justice.^[1] Chikaodinaka Nwankpa, who formerly headed Drexel’s Department of Electrical and Computer Engineering, is accused of submitting “improper charges against the federal grants for items such as personal iTunes purchases and for ‘goods and services’ provided by Cheerleaders, Club Risque, and Tacony Club” from 2010 to 2017. (10/10/19)
 - ◆ **As the NIH Advisory Committee to the Director (ACD) prepares to finalize recommendations on combating sexual harassment,** the Federation of American Societies for Experimental Biology is suggesting the agency require “mandatory training, similar to workplace training on sexual harassment, for all members of a research group supported by NIH funds, not just those listed as key personnel on the grant.”^[2]

A working group provided interim recommendations to the ACD in July, following a daylong “listening session” in May.^[3] (10/10/19)
 - ◆ **In a series of recently released reports focusing on possible threats from foreign influences in U.S.-funded research, the HHS OIG has disclosed data** on how many NIH-supported investigators reported financial conflicts of interest (FCOIs). A second report found that not all institutions are posting their FCOI policies online as required. In one report, OIG concluded that NIH has “made substantial strides in reviewing each reported FCOI for completeness and compliance, as well as to ensure the reasonableness of institutions’ management plans,” but it “found inconsistencies in the depth of its oversight reviews.” (10/3/19)
 - ◆ **The National Science Foundation is seeking repayment of nearly \$500,000 from the University of Delaware and \$370,000 from the University of Montana (UM), siding with NSF auditors in two recently released resolutions.** In the University of Delaware’s case, auditors from the NSF OIG issued an “alert memorandum” in July about its Established Program to Stimulate Competitive Research, calling attention to \$166,336 in costs for which it said accounting records were lacking. As NSF explained, “Because of the condition cited in the alert memo, the University conducted a broader review of NSF awards and identified additional misapplied funds totaling \$323,984 under direct awards and \$10,626 under pass-through awards.” NSF is disallowing \$490,320, which it said the university had agreed to repay, in addition to adopting corrective actions.
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The UM audit covered costs claimed from Sept. 1, 2013, through Aug. 31, 2016. As NSF explained, auditors “questioned a total of \$367,779 in costs claimed under NSF awards and recommended that UM strengthen its administrative and management controls for the areas in which findings were identified.” NSF agreed with the auditors’ findings and is seeking full repayment.

Of this amount, OIG said \$342,020 was used for “research base salaries (RMS).” NSF determined that the Uniform Guidance prohibits UM’s policy of establishing an RMS “under a second appointment which is higher than the Institutional Base Salary [IBS]. UM is hereby directed to immediately stop charging all active NSF awards for salaries in excess of the proportionate share of IBS for the periods charged,” the resolution states (bold is used in the document). UM had disputed this finding. Of the balance of the questioned amount, \$18,932 was for inappropriately allocated expenses, and \$6,827 was for an unallowable expense. According to NSF, UM agreed to repay these amounts. (10/3/19)

1 DOJ E.D. Pa., “Drexel University to Pay \$189,062 to Resolve Potential False Claims Liability,” news release, October 7, 2019, <http://bit.ly/321zon9>.

2 FASEB, recommendation letter, October 3, 2019, <http://bit.ly/33feto2>.

3 Theresa Defino, “Amid Apologies From NIH, Sexual Harassment Working Group Vows Steps to ‘Change Culture,’” *Report on Research Compliance* 16, no. 6 (June 2019), <http://bit.ly/2IBx7Y9>.

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