

## Report on Research Compliance Volume 18, Number 8. July 22, 2021 OIG Seeks Debarment of Two NSF-Supported PIs, Reveals Machinations Behind Misconduct

---

By Theresa Defino

“The graduate student claimed that his student was responsible for the plagiarism, although he had no students.”

“As the investigation was being finalized, the graduate copied files on a flash drive, renamed them as the missing data files, and deleted them, in hopes a new forensic review would uncover them.”

These statements reveal the types of excuses, and outright deceptions, that some researchers supported by the National Science Foundation have engaged in to avoid a finding of research misconduct by their institutions and the NSF Office of Inspector General (OIG). Their actions are egregious enough in OIG’s eyes that it has recommended debarment for both of these individuals, the most severe punishment available aside from a criminal prosecution.

Investigators and others funded by Public Health Service agencies, such as NIH, who engage in research misconduct have their names—and those of their institutions—published on the Office of Research Integrity website and in the *Federal Register*. But those benefiting from NSF funds who are similarly found guilty remain anonymous, and tidbits about what they did become known only if included in OIG’s twice-yearly reports to Congress. No institution names are ever disclosed in these reports.

The dissembling graduate student and the information technology (IT) savvy (though not savvy enough) graduate who had just earned a doctorate were described in OIG’s recent semiannual report (SAR) covering the period from Oct. 1, 2020, to March 31, or the first six months of fiscal year (FY) 2021.<sup>[1]</sup> Whether NSF will agree with OIG and issue debarments in these cases is unknown, as NSF’s decisions were pending at the time the SAR was completed.

OIG reports research misconduct investigations it has forwarded to NSF for action as well as those for which NSF rendered a decision during the SAR period. Regarding debarments in particular, NSF does not always follow OIG’s recommendations. During FY 2020, for example, OIG reported that NSF did not impose any debarments for research misconduct; OIG said they were warranted in several instances.<sup>[2]</sup>

In the recent SAR period, NSF imposed one debarment; OIG recommended two.

### **Despite Finding, Graduation Was Permitted**

The case in which the individual blamed plagiarism on a fictitious student is among those in which the misdeeds were the result of a reviewer stealing from a paper reviewed under confidentiality rules. In addition to trying to shift blame, the student suggested a novel fix for the issue and also claimed OIG had no jurisdiction, among other attempts to avoid a finding. He was, surprisingly, allowed to graduate.

According to OIG, the graduate student, studying in two departments, took text from a journal paper he reviewed and “published that material in a conference paper under his own name.” In one version submitted to the

---

conference, the student included a citation to the paper, but when the manuscript was later rejected by the journal, he removed the citation.

“After the graduate student’s paper was published, the journal manuscript authors confronted him about the plagiarism,” OIG said. After claiming a student was responsible, this individual “suggested that instead of retracting the paper, he could add the authors of the manuscript as co-authors on another paper he had written that further developed their method.”

The conference paper at issue was retracted during the investigation. The student’s university made a finding of plagiarism, and he was “removed” from the department associated with the plagiarism. Yet, he “remained at the university in the other department until he graduated,” OIG said.

OIG found fault with the university’s investigation although it agreed with the finding. “The university’s report neither explained the investigation committee’s reasoning for its finding nor referred to specific evidence in making its determination,” OIG said, both of which are required when making a misconduct finding.

## **OIG’s Authority Was Affirmed**

After receiving more information from the university, OIG reviewed the university’s “detailed comparison of the graduate student’s paper and the manuscript he reviewed, which showed that they were nearly identical.”

Noting that “the university did not offer any further analysis,” OIG officials “reviewed all the documents it provided,” and concluded the citation (that had been removed before publication) “did not convey the extent to which he copied from the manuscript.”

The graduate student also apparently made “claims of ignorance,” but OIG “found he had received training in proper citation and peer review confidentiality. Ultimately, we concurred with the university that the graduate student plagiarized, and noted several aggravating factors, including his refusal to acknowledge any wrongdoing, lack of candor, and violation of the peer review process.”

Yet the student continued to object, then raising the question of OIG’s jurisdiction.

“In response to our draft report, the graduate student contended that NSF had no jurisdiction because it did not fund the research in question,” OIG said. Further, he claimed acknowledging NSF only after “his advisor told him to do so,” and argued “the work presented was not related to his role on his advisor’s NSF grant.”

The advisor disagreed, stating “the paper’s topic aligned with the graduate student’s role on the grant.”

The student’s actions, in OIG’s estimation, warrant a three-year debarment, training and a five-year ban on serving as an NSF peer reviewer, consultant or advisor. OIG is also recommending he submit “contemporaneous certifications that any proposals or reports he submits to NSF do not contain plagiarized, falsified, or fabricated material” and submit “contemporaneous assurances by a responsible official of his employer that any proposals or reports he submits to NSF do not contain plagiarized, falsified, or fabricated material.”

## **Fictitious Forensics Firm Created**

The misconduct of the graduate who came up with a number of higher-tech methods to hide his fabrications was revealed after “his former mentor could not find the underlying data for more than a dozen figures in his NSF-funded dissertation.” The university’s IT staff appeared to have been crucial in making a finding.

The graduate ultimately confessed and lost his doctorate. OIG is also recommending he be debarred for three years, as with the prior pending case.

According to OIG, “manual and forensics reviews turned up no evidence” after the mentor raised concerns. The university made a misconduct finding and “rescinded his doctoral degree.”

OIG also detailed how the graduate tried—unsuccessfully—to cover his tracks.

“As the investigation was being finalized, the graduate copied files on a flash drive, renamed them as the missing data files, and deleted them, in hopes a new forensic review would uncover them,” OIG said. “He also registered a web domain with a name similar to a real IT forensics firm and used this domain to email a forged letter with fake letterhead to the university official conducting the investigation. After university IT specialists uncovered the deception, the graduate confessed in a letter to the university.”

In addition to the three-year debarment and training as it recommended in the other pending case, OIG is recommending that NSF “require a data management plan for any NSF proposal on which the graduate is a participant.”

## **No Debarment Despite 11 Fabrications**

According to the SAR, NSF adjudicated seven cases of research misconduct during the report period, but RRC has learned the true number is five, which reflects the descriptions provided, and that OIG will correct the number.

Against OIG’s recommendation, NSF imposed only administrative requirements and did not debar a former associate professor who fabricated and falsified text in two publications that were later retracted.

Initially, the university found the professor and a research faculty member were responsible, but imposed no sanctions because both individuals “had already departed the university.”<sup>[3]</sup> OIG’s own analysis concluded that only the professor committed the misconduct, which it said in the new report consisted of 11 instances of fabrication and falsification.

OIG had recommended NSF impose a three-year debarment and require, for six years, the submission of “certifications and assurances, and a detailed data management plan with annual certifications.” OIG also recommended NSF ban him for six years from serving as an NSF peer reviewer, advisor or consultant. NSF accepted these recommendations.

## **Debarment Case Involved Subpoena**

The single case for which NSF imposed a debarment for research misconduct involved a postdoctoral researcher to whom OIG had to issue a subpoena. He was ultimately found to have falsified data and figures in an unpublished manuscript and in a published paper; it has been retracted.

While his university was conducting an inquiry into allegations, the postdoc left the institution, which nevertheless continued and completed an investigation. 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.”

Additionally, he claimed to the university that “his friend personally paid for the experiments,” at a cost of \$15,000, and “declined all invitations for meetings and provided none of the requested data to the investigation committee.”

After receiving an OIG subpoena for the data, the postdoc “responded that the data were in the PI’s lab, so he had no data to provide.” The PI and other lab staff “searched all lab computers and equipment for the postdoc’s data” but came up empty.

The case had an additional impact on the postdoc's former lab, as the university "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."

As recommended by OIG, NSF imposed a three-year debarment and, for five years, required the postdoc to submit certifications, assurances and a data management plan, and banned him from serving as an NSF reviewer, advisor or consultant.

## Requirements Ranged From 1 to 3 Years

OIG described the disposition of the other three research misconduct cases as follows:

- "In the case of a PI who obtained another researcher's proposal through the *Freedom of Information Act* and used it as a template, NSF required that the PI submit certifications and assurances for 3 years and barred the PI from participating as an NSF peer reviewer, advisor, or consultant for 3 years."
- "In the case of a PI who plagiarized text from three sources into three NSF proposals, NSF required that the PI submit certifications and assurances for 1 year and barred the PI from serving as an NSF reviewer, advisor, or consultant for 1 year."
- "In the case of a PI who claimed a figure he copied into an NSF proposal as his own, NSF required that the PI submit certifications and assurances for 2 years and barred him from serving as an NSF reviewer, advisor, or consultant for 2 years. The PI subsequently appealed, and NSF's final adjudication is pending."

## Criminal Convictions Spur Debarments

Debarment is not reserved for just research misconduct. According to the SAR, NSF issued government-wide debarments and suspensions or obtained voluntary exclusions for a total of nine individuals who were either NSF employees, award recipients or were in some way supported by NSF funds.

OIG investigated a PI "involved with a foreign government talent recruitment program [who] may have had additional overseas employment," the SAR detailed.

After leaving the United States, the PI was "subsequently replaced on the university's awards. We found evidence that the former PI failed to provide all responsive documentation related to the foreign government talent recruitment program and overseas employment in response to a subpoena. During this semiannual period, NSF agreed with our recommendation to debar the former PI for 3 years," OIG said.

In another instance, "a tenured professor pleaded guilty to providing materially false statements in a scheme to defraud NSF and was sentenced to 10 months of probation and 2 months of home confinement," according to the SAR. "During this reporting period, NSF debarred the professor for 3 years, consistent with our recommendation."

And, as noted, debarment is not NSF's only sanction. NSF also took administrative actions, including award termination, against another 32 individuals for issues including findings of research or employee misconduct.

---

<sup>1</sup> National Science Foundation Office of Inspector General, *Semiannual Report to Congress: October 1, 2020 – March 31, 2021*, NSF-OIG-SAR-64, <https://bit.ly/36NMPuZ>.

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

3 Theresa Defino, “OIG Details Missteps by Universities Handling Suspected Misconduct in NSF-Funded Research,” *Report on Research Compliance* 18 no. 3 (March 2021), <https://bit.ly/2Ul8qZc>.

This publication is only available to subscribers. To view all documents, please log in or purchase access.

[Purchase Login](#)