

Report on Research Compliance Volume 15, Number 7. July 31, 2018 Payments, Plagiarism and Standards of Proof: NSF OIG Shares Details of Recent Activities

By Theresa Defino

The University of Pittsburgh (Pitt) principal investigator (PI) who recently agreed to sanctions including payment of \$132,000 to settle False Claim Act (FCA) allegations reportedly faked approval of his research four times, the National Science Foundation (NSF) Office of Inspector General (OIG) revealed in its new semiannual report to Congress.

OIG's report, which spans actions from Oct. 1, 2017 to March 31 of this year, fills in a few specifics behind the settlement with Christian Schunn, Ph.D., a professor of psychology. The report also details six new and nine concluded cases of research misconduct involving NSF-funded researchers.

In addition, NSF's decisions on repayment and other recommendations OIG made in audits of NSF awardee institutions are described in the report. Of note, NSF acted on three audits, agreeing to disallow just \$109,972 of \$2.4 million OIG had flagged.

Schunn's case is unusual among FCA settlements involving investigators because of the type of allegations. OIG and the Department of Justice (DOJ) in late March announced the settlement with Schunn, who denied wrongdoing (RRC 5/18, p. 4). At the time, OIG and other federal agencies said Schunn submitted to NSF false evidence of institutional review board (IRB) approval of his research on "multiple occasions" over a 10-year period.

Per OIG's policy, the semiannual report does not identify individuals by name. But the details in the discussion about the settlement match Schunn's case. According to the report, Pitt itself discovered one instance of false IRB approval during a "routine audit." Pitt "informed our office and returned the associated \$1.6 million award for which Schunn was the PI," the new report, issued May 31 states. A 2015 OIG semiannual report that first referenced this situation stated that NSF had "suspended" the award in question, of which \$1.6 million had not yet been spent.

After receiving information from Pitt, OIG conducted its own investigation, during which it uncovered three more instances of allegedly falsified IRB approvals that had resulted in successful grants. In one instance, he "altered a previous IRB approval by electronically placing a text box containing a new title over the original title," OIG said.

The four awards collectively totaled "more than \$2.3 million," according to OIG. It is not clear how OIG arrived at the \$132,000 repayment amount. In addition to the payment, Schunn agreed to refrain from applying for or participating in any federal grants for 19 months and "withdraw from any pending applications." He will also "provide certifications to NSF for 5 years; provide assurances to NSF for 3 years; and not serve as an NSF reviewer, advisor, or consultant for 3 years," according to the semiannual report. It does not appear that Pitt faced any actions by NSF as a result of this experience.

College Agreed to Compliance Plan

Schunn's is not the only settlement with a financial payment that occurred during the reporting period but OIG

did not provide many details about a second one that was accompanied by a compliance plan, a relatively rare event. In February 2017, Jackson State University paid \$1.7 million following allegations by OIG that it had used whiteout to change or fabricate documents to justify claimed costs (RRC 4/17, p. 3). RRC published portions of a five-year compliance plan to which the Mississippi university had agreed. The plan was obtained through a Freedom of Information Act request (RRC 4/17, p. 1).

In the new report, OIG stated that an unidentified college “agreed to settle allegations that it failed to maintain adequate records to support expenditures under an NSF award. Our investigation identified duplicate charges for equipment, an electronics purchase supported by an online shopping cart printout but never actually purchased, and lack of documentation for stipend payments to students,” OIG said. “The settlement with DOJ required payment of more than \$160,000 and required the college to implement a 5-year compliance plan to ensure proper oversight of NSF awards in the future.”

During the reporting period, NSF took actions in nine misconduct cases; in all, NSF upheld OIG’s findings and issued “a letter of reprimand” and required training in responsible conduct of research (RCR). Four cases involved a graduate student; one concerned a post-doctoral fellow. Three findings involved PIs or co-PIs. One individual subject to a finding is described as an assistant professor. Six were debarred for one-to-three years. An appeal was filed in one case.

As previously noted, OIG does not use names of those in misconduct cases; it also has discontinued its long-standing practice of identifying the region of the country in which the individual’s institution is based. According to the report, as of March 31, OIG had received two new allegations of fabrication and three of falsification, numbers that pale in comparison to concerns about suspected plagiarism brought to OIG’s attention.

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