

## Report on Research Compliance Volume 20, Number 7. June 22, 2023

### NSF Suspends 18 Awards, Receives Repayments Related to Foreign Ties, Research Misconduct

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By Theresa Defino

One university lost 14 awards; another, four. An investigator was suspended governmentwide. A public institution paid back more than \$850,000, while two others returned nearly a million dollars.

Institutions and investigators are experiencing award suspensions and other costly repercussions for failing to report foreign support or connections to the National Science Foundation (NSF) and, to a lesser degree, for research misconduct.

In recent years, such actions most often involved NIH funding. For example, the Van Andel Research Institute paid \$6.6 million related to NIH-funded investigators' undisclosed foreign support from China in violation of the False Claims Act (FCA). However, NIH generally does not publicly disclose details of award suspensions and terminations, whether related to foreign involvement or not.

Although the new actions were taken by NSF, they were described by the agency's Office of Inspector General (OIG) in its most recent semiannual report to Congress, which covered the six-month period ending March 31.<sup>[1]</sup> As is its policy, OIG did not reveal the names of the universities or principal investigators (PIs), with the exception of cases involving the Department of Justice (DOJ).

In this report, OIG detailed an FCA settlement with The Ohio State University (OSU), which paid the government \$875,689.

In a Nov. 10 news release, DOJ alleged that the unidentified OSU investigator with funding from the Army, NASA and NSF from 2012 to 2020 "failed to disclose funding that he was receiving from a foreign government in connection with: (1) employment at a foreign public university; (2) participation in a foreign talent plan, a program established by the foreign government to recruit individuals with knowledge or access to foreign technology intellectual property; and (3) a grant from the foreign government's natural science foundation."<sup>[2]</sup>

This case had the largest penalty of those included in the report and was the only one involving FCA allegations. NSF's portion of OSU's repayment was \$63,000, OIG said, a fact DOJ did not mention in its November news release.

OIG is conducting a broad "review to determine if U.S. institutions are complying with NSF's requirements that PIs and Co-PIs disclose all forms of current and pending sources of funding."

### 18 Awards Suspended for Nondisclosure

The case that resulted in a university losing 14 awards—at least temporarily—stems from an ongoing OIG investigation of five years of the institution's "foreign contracts, awards, and restricted gifts...to determine if the university disclosed foreign awards" to PIs and co-PIs "who were also recipients of NSF awards."

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OIG said it found “14 active awards where the university and its PIs did not disclose foreign-funded projects or organizational affiliations in their NSF proposals. Based on our recommendation, NSF suspended the awards pending the completion of our investigation.” In addition to withholding the name of the university and the affected investigators, OIG also did not reveal the dollar amount of the suspended awards.

At some point during the reporting period, NSF also suspended a professor governmentwide for similar failures apparently involving several funding agencies. A suspension is a temporary action to exclude the individual from receiving government support; debarment makes such an exclusion permanent.

According to OIG, “a multi-agency investigation found that the professor held a position with a foreign university and received foreign research funding, neither of which was disclosed to NSF.” OIG did not report whether the PI had any active funding that was affected nor whether it had taken actions against the university and said its investigation is ongoing.

However, a different university did have four awards involving three PIs suspended. As with the other cases, OIG’s details are scant. “Based on our recommendation, NSF suspended four awards under the direction of three PIs. We determined the PIs did not disclose all current and pending support in their NSF proposals as required,” the report states. This investigation, too, is continuing.

In its previous semiannual report, OIG detailed two cases of universities making repayment related to undisclosed foreign support but did not mention awards being suspended.<sup>[3]</sup> A professor was debarred for three years after a finding that he “maintained a dual affiliation with a foreign university. For approximately 5 years, the professor charged his summer salary to an NSF award while concurrently maintaining employment with a foreign university.” The university, OIG said, “returned more than 230,000 to NSF.”

In the second instance, OIG said the professor “used NSF funds for unauthorized expenditures, including travel with his family to the foreign university. As a result of our investigation, the university returned nearly \$215,000 to NSF.”

## **Repayments of \$950K Follow Misconduct Claims**

The recent semiannual report included other instances of PI suspensions and institutional repayments related to research misconduct. Such repayments are somewhat unusual, as punishments for misconduct are typically borne by the investigator only.

OIG recommended suspension of an Early Career Development Program (CAREER) awardee based on an allegation that the individual’s funded proposal and two papers the PI published included “texts and ideas” that were plagiarized from a career award “in a different field.” NSF’s decision is pending the conclusion of OIG’s investigation.

In a case that may or may not be related, OIG reported that a university “returned more than \$700,000 to NSF after finding a CAREER award PI had engaged in research misconduct by falsifying and fabricating data.”

Additionally, OIG “received an allegation that a former graduate student falsified data in three publications. The university found the student committed research misconduct, terminated an NSF award to the student’s major professor, and returned more than \$250,000 to NSF. Our investigation is ongoing.”

The report also includes descriptions of other research misconduct investigations and six cases for which NSF made a finding. RRC will address these in the future.

- 1** National Science Foundation, Office of Inspector General, *Semiannual Report to Congress: October 1, 2022 – March 31, 2023*, NSF-OIG-SAR-68, <https://bit.ly/3Pde5ug>.
- 2** U.S. Department of Justice, Office of Public Affairs, “Ohio State University Pays Over \$875,000 to Resolve Allegations that It Failed to Disclose Professor’s Foreign Government Support,” news release, November 10, 2022, <https://bit.ly/442olK3>.
- 3** Theresa Defino, “NSF Debarments, Repayments Also Follow Award Misspending,” *Report on Research Compliance* 20, no. 4 (April 2023), <https://bit.ly/3NBt93M>.

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