

## CIVIL & CRIMINAL INVESTIGATIONS

### **University Returns \$283,488 in Misused Grant Funds; NSF Declines to Take Action Against the PI**

A university returned \$283,488 in NSF grant funds that were improperly charged over a five-year period by a PI with personal issues. OIG initiated an investigation based on anonymous allegations that a PI at a Tennessee university misused NSF grant funds by submitting extravagant travel reimbursement requests and questionable supply expenses. A detailed review by our investigators and university auditors and found that some of the travel expenses submitted by the professor were unreasonable, and approximately \$3,000 in purchases appeared to be personal in nature. The university's internal audit department assisted us in resolving these allegations.

We interviewed the PI, who provided a sworn statement admitting that she submitted receipts for non-grant-related purchases totaling \$3,000. The PI explained that, when these questionable receipts were submitted, she was experiencing very difficult personal issues. She also stated that she often submitted receipts and travel vouchers weeks after her return from travel and would frequently guess at the nature of the receipts since she could not recall the actual expenditures.

The university's detailed review of over \$2 million in grant charges found that, over a five-year period, \$283,488 was wrongfully charged to the PI's NSF grants. The university determined that many of these unallowable charges were not prevented because administrators at the PI's department were concerned for the PI's well being, and did not stringently supervise her use of grant funds. The university returned \$283,488 to NSF. The PI, who was also the co-PI on another NSF grant, had taken a leave of absence from the university prior to our investigation, and subsequently resigned from the university during the investigation.

The U.S. Attorney's Office declined prosecution based on the burden to prove beyond a reasonable doubt that the PI knowingly and willfully submitted false claims to NSF grants. However, our investigation found that the PI submitted excessive and unreasonable expense claims against NSF grants, misrepresenting the expense claims as a result of grossly negligent behavior. Consequently, we recommended that NSF take administrative action to limit the financial responsibilities that the PI is permitted to assume on future NSF grants. Even though it routinely takes administrative actions against individuals (e.g. research misconduct sanctions and debar-

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ment), NSF declined to take action in this case based on the fact that the PI is no longer associated with the university and NSF's observation that it "makes awards to institutions and not to individuals." Though the PI is not currently associated with any NSF grants, OIG recommended administrative action as a safeguard against the probability that the PI will resume her research career at another institution with projects supported by NSF.

### **Subject Pleads Guilty to Impersonation of an NSF Official**

We received an allegation that a subject pretended to be an NSF official to lure young women to hotel rooms to carry out "research" supported by NSF. We investigated and determined that over 3½ years, the subject placed two dozen advertisements on the internet recruiting people to help with a spurious "research" project in San Francisco. The subject only responded to inquiries from mid-20's female victims, to whom he sent multiple emails identifying himself (with a false name) as an NSF official. He also prepared and sent the victims numerous electronic copies of elaborate "research" instructions, into which he inserted NSF logos to create the appearance of official NSF documents.

The subject (posing as an NSF official) ultimately persuaded two victims to meet a "patient" (the subject) in a hotel room, and once there to follow instructions to direct, observe, and record him engaging in a variety of salacious activities. Before the sessions began, the subject required the victims to sign a bogus NSF non-disclosure agreement, threatening that NSF would take "legal or equitable" action against them if they were to disclose anything about their activities. Despite the subject's intimidation, two of the victims contacted NSF, which referred the information to us for investigation.

OIG investigators interviewed the subject, who denied everything. We referred the matter to the DOJ Criminal Division, and proceeded to issue several subpoenas for information about the subject's activities. Under the Right to Financial Privacy Act (RFPA) his attorney challenged the subpoena for his credit card records. We successfully opposed the RFPA challenge and the court ordered the bank to produce the records.

Ultimately, the subject agreed to plead guilty of one count of violation of 18 U.S.C. § 912, False Personation of an Officer or Employee of the United States, a felony. The subject pled guilty in the U.S. District Court for the Northern District of California on 18 April 2008, and he is scheduled to be sentenced on 14 November 2008.

#### **NSF Agrees to Restrict Use of NSF Logo**

Since the inception of our office in 1989, we have investigated a number of cases of misuse of NSF's logo. In every case, the subjects used the NSF logo to add verisimilitude to their impersonation of NSF officials or researchers affiliated with NSF. The case discussed on this page is the most serious. In another case, a person used the NSF logo to fabricate faux NSF letterhead, in order to represent that a NASA entity was an NSF-funded awardee entitled to discounted computer prices. He later pled guilty to a federal misdemeanor charge. Yet another individual created a website called NSFfunding.com with the NSF logo on every page, claiming that he

was acting at NSF's behest to investigate wrongdoing by numerous officials conspiring to squelch his research findings. The Department of Justice (DOJ) contacted the web host, with the result that the website was removed and DOJ declined further prosecution.

NSF makes various versions of its logo available on its website, without any restrictions on its use. Misuse of federal agency logos potentially violates three federal criminal statutes, and misuse of the logo to support the impersonation of a federal official also violates the criminal false personation statute. While nothing on NSF's website implied that it was acceptable to use NSF's logo to misrepresent employment by or affiliation with NSF, we recommended that NSF clearly prohibit such misuse, while specifying what use is appropriate. NSF agreed in principle, conducted a review of its logo usage policies, drafted a logo usage guide, and plans to post this guide on its website within the next few months.

### **Former Research Center Employee Sentenced to 32 months in Federal Prison**

As reported previously,<sup>12</sup> on March 5, 2008 a former accountant at a Georgia state university was indicted in the U.S. District Court for the Northern District of Georgia on 17 counts of mail fraud and 5 counts of theft from an organization receiving federal funds, 18 U.S.C. §§ 1341 & 666. On May 13, the accountant pled guilty to all of the charges, and in August 2008, a federal judge sentenced her to federal prison for 32 months, 3 years supervised probation, 250 hours of community service, and payment of restitution and fees totaling \$319,074.

### **NSF Imposes Three-Year Debarment for Felony Conviction**

NSF debarred a former professor at a Tennessee university for a period of three years based on her conviction for making false statements to pay expenses related to a personal consulting contract. As previously reported,<sup>13</sup> the professor admitted that she was responsible for charging the personal expenses to NSF grant accounts and university accounts as legitimate expenses. We recommended that the professor be debarred for five years.<sup>14</sup>

### **NSF Debars Two Former Employees of DC Institution for Criminal Convictions for Abusing Purchase Cards**

As previously reported,<sup>15</sup> OIG recommended that NSF debar two former accounting managers at a local grantee institution who were convicted for engaging in a scheme to use official corporate purchase cards to pay for unauthorized personal expenditures exceeding \$100,000 each. Though they did not embezzle federal funds, they were both responsible for management and oversight of federal and non-federal funds. Moreover, their job histories made it reasonable to expect that they will seek similar positions accounting for federal funds in the future. NSF accepted our recommendation and debarred each

<sup>12</sup> March 2008 Semiannual Report, pp.27-28.

<sup>13</sup> September 2007 Semiannual Report, p.25.

<sup>14</sup> March 2008 Semiannual Report, p.30.

<sup>15</sup> March 2008 Semiannual Report, p.29.

individual for a period of 3 years. Also, since this was the fourth embezzlement case involving this institution, we recommended that NSF designate it a high-risk institution, which it agreed to do.

### **Institution Returns Funds and Commits to Compliance Program**

An institution in Colorado returned \$27,258 to NSF as a result of our investigation of its award. OIG identified the award as part of an investigative proactive review of awards with substantial participant support cost allocations in the NSF award budget. The institution expended funds on unallowable expenses, including alcohol for workshop participants; reallocated participant support funds to cover employee salaries without the required prior, written NSF approval; and charged the NSF award for indirect costs, even though the NSF award letter expressly excluded indirect costs. We referred the matter to the U.S. Attorney's Office, whose negotiations with the institution resulted in a refund of \$27,258 to NSF with an assurance from the institution that should it ever receive federal funds in the future, it will have a compliance program consistent with the principles found in the Federal Sentencing Guidelines.<sup>16</sup>

## **ADMINISTRATIVE INVESTIGATIONS**

### **Closer Scrutiny of NSF Senior Management Travel Warranted**

A series of anonymous letters were sent to NSF employees and members of the scientific community alleging that an NSF senior manager (subject) was misusing NSF travel funds. Based on a review of his travel records and emails, as well as two interviews with him, we determined he based NSF-funded travel decisions, at least in part, on his desire to further personal relationships with women, some of whom were affiliated with NSF. In addition, we found that he lacked candor during the investigation by providing false or misleading information. We referred the matter to NSF with a recommendation that NSF take appropriate administrative action with regard to the subject.

Based on this case and another travel abuse case involving two senior NSF officials that we are continuing to investigate, we also recommended that NSF reiterate and reinforce its expectation that senior managers should act with the

highest level of integrity; develop, and issue policies clearly defining personal and essential travel; and institute an annual training program to ensure travel policies are articulated to all NSF employees. NSF's response is pending.

### **Multiple Instances of Employee Abuse of NSF IT Resources Leads to Discipline and Recommendations to NSF for Policy Changes**

OIG recommended that NSF take immediate action to address numerous reports of employees viewing pornography on their government computers. The multiple investigations opened in the past few months, highlighted the need for systemic corrective actions in order to reduce abuse of agency IT resources

<sup>16</sup> The principles for establishing an effective compliance program that are found in the Federal Sentencing Guidelines, were discussed in the September 2007 Semiannual Report, p. 28.

and waste of official time. They also highlighted NSF's need to increase the visibility of NSF's Office of Equal Opportunity Programs (OEOP) in order to facilitate employee access as co-workers encounter IT abuse in the workplace and to improve the agency's internal response mechanism. These recommendations stem from the following recent abuse investigations: six cases of viewing, downloading, saving, and/or sharing pornographic images and videos, and one case of extensive participation in pornographic chat websites and the concomitant significant waste of official time. NSF's policy on the personal use of NSF IT resources states that the resources:

are authorized for occasional personal use (excluding private business use) when the additional cost to the government is negligible and when the personal use is of reasonable duration and during personal time as much as possible so there is no interference with official business. Employees should consult with their supervisor if there is any question about "occasional" use or "negligible costs." Any personal use of the agency's property is subject to the overriding expectation that employees will give the government a full day's labor for a full day's pay. . . . Employees may make use of the Internet and electronic mail for matters that are not official business provided that . . . the use is not offensive to coworkers or the public (such as sexually explicit or otherwise inappropriate web sites)...

All NSF employees are required to complete IT Security Awareness Training annually. That training reiterates the agency policies concerning the use of government equipment and resources. In addition, NSF's Ethics and Personnel Manuals emphasize the duty of employees to behave ethically and "to adhere to basic standards of integrity and decency." In each of the following cases, we referred our findings to NSF with a recommendation that it take appropriate administrative action, and NSF responded to our referrals as noted below.

- We received information that an NSF senior official was viewing sexually explicit material on his NSF computer in violation of NSF's computer use policies. We determined that, for the past two years, the employee had been repeatedly and excessively visiting pornographic websites and spending up to 20 percent of his official work time viewing sexually explicit images and engaging in sexually explicit on-line "chats" with various women. Based on the employee's salary we identified a potential loss of more than \$58,000 in employee compensation for that personal time.

When interviewed, the employee acknowledged using his NSF computer to visit pornographic websites and admitted that he spent excessive time chatting with women at the sites during official government work hours. We determined that the employee charged more than \$40,300 to his personal credit card over 24 months to cover the cost of participating in these on-line chats. We concluded that the employee's activities adversely affected the workplace making it offensive and hostile. In response to our referral, the agency issued the employee a Notice of Proposed Removal, and then a Notice for Removal, after which he left NSF.

- An NSF staff member reported that sounds overheard from a co-worker's computer speakers suggested that the employee was viewing pornographic videos. We reviewed the employee's NSF computer drives and found no evidence that the employee saved inappropriate images or videos. However, we determined that the employee used his NSF computer to visit a variety of pornographic websites on numerous occasions during official work hours. We concluded that the employee's perusal of such websites during work time violated NSF policies. NSF action is pending.
- We substantiated an allegation that, an NSF employee continued to store sexually explicit image files on his NSF computer despite having previously received an official letter of reprimand for similar activity and for using peer-to-peer software on his NSF computer,. We determined that the employee also sent emails containing sexually explicit images and videos from his NSF email account and—even after learning about our investigation—continued to visit inappropriate, sexually-explicit sites during his official work day. NSF action is pending.

Because of the number of inappropriate use cases that were investigated by OIG, we selectively sampled only one of NSF's numerous network drives for large files and reviewed a limited number of these files to see if we could determine if employees were violating NSF's computer use policies. We identified:

- An NSF employee whose network drive contained numerous sexually explicit image files. The employee acknowledged that accessing such files was in violation of NSF's computer use policies. NSF's action is pending.
- An NSF employee who violated NSF's computer use policy by downloading and storing inappropriate images on her NSF computer drive. When interviewed, the employee explained that these files were mistakenly downloaded along with other image files. We determined that the employee violated NSF policies and referred the matter to NSF for action. NSF verbally reprimanded the employee.
- An employee whose network drive contained numerous sexually explicit media files, two copies of peer-to-peer file sharing software, and website favorites (bookmarks) with sexually descriptive titles. The employee acknowledged saving the sexually explicit files on his network drive and having peer-to-peer software. Based on our referral, NSF suspended the employee for 10 days.
- An employee<sup>17</sup> who violated NSF computer use policies by downloading a large number of sexually explicit media files. We referred the matter to NSF for appropriate action, which resulted in the employee serving a 10-day suspension.

While these cases show that such misbehavior occurs at NSF, the limited nature of this sampling and its restriction to only one computer drive (and excluding other systems like e-mail) cannot measure the actual extent of such misbehavior at NSF. More importantly, these instances of misconduct occurred despite the fact that each of the subjects had completed years of mandatory

17. Initially reported in our March 2008 Semiannual Report, p.30.

NSF annual IT Security Awareness Training, which discusses the appropriate use of NSF resources and provides specific examples of inappropriate use. These cases do call into question the efficacy of that training as a deterrent to resource abuse and misconduct, and as a means for communicating to NSF employees the acceptable uses and restrictions NSF places on its computer and communications resources.

Our small sampling of this single network drive for employees found that although NSF policy allows *de minimus* personal use of government computers, NSF has failed to identify or enforce any upper limit on such use. NSF data showed that the top 10% of employee network drive users stored from 11 to 62 *gigabytes* on this drive. Further, when we looked at storage of only media files (audio, video, or image) on this drive, the storage by the top 1% of employees contained 2.7 to 43.5 *gigabytes* of data. Unlike many federal agencies, NSF did not have internet filtering software to block access to inappropriate websites. In conjunction with our review, the agency has now installed filtering software.

Our review also suggested that coworkers who inadvertently encountering explicit images and sounds were acutely embarrassed and did not know how to immediately respond. We found information on how to address negative worklife situations at NSF hard to find. Employees should be encouraged to contact the Office of Equal Opportunity Programs (OEOP), if they encounter behavior that makes them uncomfortable. At the time of review, it was even difficult to find electronic links to OEOP on NSF's external internet and internal intranet websites.

To limit future occurrences of this type of abuse, we recommended: 1) changes in NSF's IT training; 2) limitation of server storage available to employees; 3) routine screening for and deletion of personal music and image files from network drives; 4) procurement of necessary filtering software; and 5) increased visibility of OEOP and enhancement of access to its website.

In response, management has now installed filtering software but informs OIG it will not monitor either unsuccessful attempts by users to access inappropriate sites or the existence of inappropriate content on NSF servers. It is considering ways to improve its IT Security Training, but declines to limit the electronic storage space available for employee personal use because such storage is inexpensive (even though employees do not need such quantities for business use). NSF stated that it has corrected the staffing information on the OEOP website, corrected broken electronic links to OEOP, and that it plans to improve

access to and the visibility of OEOP. It also plans to evaluate its EEO training to ensure that all managers and staff are aware of the relevant policies and procedures. Finally, it has recently reissued its Personal Use Policy with explicit statements about liability for abuse.

## Other Significant Investigative Activities

The following cases were resolved without referrals to the Department of Justice because the institutions voluntarily returned funds they deemed to be mischarged:

- OIG received an allegation of erroneous salary charges to an NSF award at a university in North Carolina. Documents provided by the university revealed a high incidence of a failure to comply with NSF's "two-ninth's rule." This rule states that, during summer months, a researcher may not receive, from all NSF sources, more than two-ninths of his/her base salary. We requested that the institution conduct a university-wide audit to assess the degree to which this NSF rule was violated. The university concluded it had mischarged over \$250,000 to NSF awards, which the university reimbursed or credited back to active NSF grants.
- We found that a for-profit company in New York overcharged NSF \$12,726, due to its use of an inflated indirect cost rate. Initially, there was suspicion that the overcharges were a deliberate overbilling of a PI's time, but our investigation concluded that the overcharging was a mistake and the company returned \$12,726 to NSF.
- Our investigation into a Maryland university's misuse of participant support funds resulted in the university's reclassification of \$7,400 in questionable costs and a refund of \$2,300 to NSF for unallowable costs related to alcohol purchases. The university also implemented new guidelines and training for all departments to better manage sponsored awards.
- A Georgia institution returned \$4,666 to NSF in undocumented and/or improperly claimed costs as a result of our investigation of numerous allegations involving a closed NSF award. The initial allegations also included failure to provide the required cost sharing, which were found to be untrue. However, we noted that the university failed to provide annual certifications for its cost sharing commitment as required explicitly in the terms of the award. We informed the institution of our findings about its inconsistent record retention practices and referred our concerns about their internal controls to our Office of Audit.

## OIG Recommends NSF Improve Information Provided to Determine Conflicts of Interests

OIG regularly receives allegations of conflict of interests (COI) violations regarding NSF's merit review process. In the course of resolving recent complaints, we noticed an inconsistency in how NSF handles COI disclosures for *ad hoc* (i.e., remote) reviewers and COI disclosures for panelists (on-site reviews). Panelists are given a COI briefing before discussing proposals. In addition, panelists are given a form which provides examples of what may constitute a COI and asks them to review the list of potentially conflicting affiliations and relationships and to certify that they have none.

In contrast, *ad hoc* reviewers are asked within FastLane, to describe any affiliation or financial connection they may have with the particular proposal. There is no guidance or examples provided in FastLane for the *ad hoc* reviewer as to what may constitute a potential affiliation or financial COI. This lack of information for *ad hoc* reviewers creates a situation in which NSF may not be informed of potential COIs that would taint NSF's merit review. The National Institutes of Health's (NIH's) proposal review process provides both panelists and *ad hoc* reviewers with a form that details COI concerns and provides examples of potential COIs.

We recommended that NSF: (1) make minor changes to its COI form by (i) including in the certification language that reviewers have disclosed all COIs and (ii) incorporating a legal warning about the consequences of violating the certification; (2) incorporate more helpful information for *ad hoc* reviewers, and provide an improved form in FastLane that requires *ad hoc* reviewers to check a box indicating their certification before having access to proposals; and (3) better inform its community and its program officials about COIs by creating a COI FAQ web page and creating web-based tutorials for both PIs and NSF program officials. After receiving an extension, NSF provided its response to our recommendations after the end of the semiannual period. We will discuss it in the next Semiannual Report.

### **Proper Scholarship and Attribution**

Our office has recently observed an increase in research misconduct allegations involving inaccuracies in data, especially as they are presented in figure form. We have seen several cases where PIs have not made clear the full details of how an image was constructed, such that it can deceive the reader as to what the figure actually represents. Simultaneously, we have seen an increased awareness by professional journals clarifying their expectations with regard to data presentation, particularly images. While NSF's *Grant Proposal Guide (GPG)* explains that NSF expects strict adherence to the rules of proper scholarship and attribution, the current guidance is silent concerning the scholarly presentation of data, figures, graphs, and images.

We recommended NSF change the language in the *GPG* to alert PIs to its expectation that they prepare proposals with at least the same care as they would a peer reviewed publication as well as to clarify to PIs that the expectation applies to text, data, figures, and images. NSF proposed changes to the *GPG* language to ensure that readers understand that fabrication and falsification, as well as plagiarism, are research misconduct. The *GPG* will clearly state that NSF expects strict adherence to the rules of both proper scholarship and attribution in submitted proposals.

## RESEARCH MISCONDUCT INVESTIGATIONS

### *Actions by NSF Management*

#### **NSF Debars PI for Plagiarism and Abuse of NSF's Peer Review Process, and University Adopts New Research Misconduct Policy**

An OIG investigation into an allegation of plagiarism, determined that a PI from a South Carolina university, plagiarized material from a proposal he received from NSF for peer review into his own NSF proposal. Our initial assessment of the proposal indicated that it contained text copied from three internet sources and a substantial amount of text copied from a confidential proposal the PI had peer reviewed a year earlier. Because the proposal with plagiarized text was highly rated and likely to soon be funded, we immediately interviewed the PI, who admitted keeping a copy of the reviewed proposal and plagiarizing from it in the preparation of his proposal. Regarding the material copied from the internet sources, he acknowledged copying a small amount, saying his students had provided him with the bulk of that material. He withdrew his pending NSF proposal.

We referred the allegation to his university for investigation. Since the PI admitted to copying, the university concluded that the PI plagiarized and no investigation was necessary. Its investigation report was poorly written and did not address specific questions we asked the committee to answer. We notified the university that we could not accept its report and would conduct our own investigation.

Based on a review of all the facts, our investigators concluded that the PI purposefully plagiarized a substantial amount of text from the confidential proposal he reviewed, and knowingly plagiarized a small amount of text from one internet source. The Deputy Director: made a finding of research misconduct; debarred the PI for 1 year; required the PI to provide certifications for 3 years after the debarment; and prohibited the PI from reviewing proposals for 3 years.

Both the university and the PI used this experience as an opportunity to learn and make improvements. The university wrote and implemented a new research misconduct policy to facilitate better investigations, appointed a Research Integrity Officer, and strengthened its ethics center. The PI and his graduate students voluntarily completed a research ethics course and a separate course on plagiarism. The PI has worked within his department to raise awareness of plagiarism.

#### **OIG Disagrees with Institution Regarding Severity of PI's Plagiarism**

A PI from an Illinois institution plagiarized text and citations from multiple source documents into four NSF proposals. Our office initiated an inquiry based on an allegation that a PI plagiarized into three proposals. During the inquiry, the PI stated he had permission to use some of the text, and he claimed he had not paid close attention to work by his students that he incorporated into some of the proposals. We were not persuaded by the PI's explanation of events, and decided to refer the investigation to his institution.

The institution's inquiry committee reviewed the matter and determined there was no misconduct because: 1) the plagiarism was in the background section of the proposals; 2) none of the proposals was funded; 3) the PI admitted his mistake; and 4) the PI had received permission, albeit after the fact, to use much of the material. The institution counseled the PI, closed the case, and recommended no sanctions be imposed.

After carefully reviewing its report, we determined that the institution's inquiry was not sufficiently thorough. The committee did not verify the PI's explanation that he used his students' project reports in copying the material, and it did not look into what the PI told the authors of some of the source documents when he sought and received after-the-fact permission to use their text.

We initiated our own investigation, and discovered a fourth proposal that contained a significant amount of copied text, which the PI also failed to adequately explain. We contacted the authors of two source documents that according to the PI, had given him after-the-fact permission for him to use portions of their text. Both authors responded with deep concern and surprise at the amount of copied text involved, and both said that the PI had not adequately described the full degree of copying.

We concluded that the PI committed research misconduct when he plagiarized text in four NSF proposals. NSF agreed with our recommended finding, debarred the subject for one year, required certifications and assurances for 3 years, barred him from peer review for 3 yrs, and required him to complete a course in research ethics.

### **PI Plagiarizes from His Doctoral Student's Fellowship Proposal**

A Utah university received an allegation that a professor took an unfunded postdoctoral fellowship grant his former doctoral student wrote, copied the text, made a few minor changes, and submitted the proposal to NSF as sole PI. The professor's proposal, which was funded by NSF, did not acknowledge the student, and the student was apparently unaware of its submission. The university's inquiry concluded a full investigation was warranted.

The university's investigation committee found a preponderance of the evidence proved the subject recklessly plagiarized the student's words. The committee, however, found insufficient evidence to substantiate the allegation of intellectual theft. The subject resigned from the university and the university took no further action. The university terminated the award prior to the expenditure of any funds, and NSF was able to put the \$120,000 to better use.

As a part of our investigation, the subject provided evidence that some of the text within the NSF proposal was also included in a paper jointly authored by the subject and the graduate student. This slightly mitigated the severity of the subject's actions. However, we concurred with the university's findings and recommended that NSF: 1) make a finding of research misconduct against the subject; 2) send the subject a letter of reprimand; 3) require certifications and assurances for 2 years; and 4) require certification of attending an ethics class. The Deputy Director concurred with our recommendation to make a finding of research misconduct and required the subject to attend an ethics class.

## **PI Copies Text from Anonymous Peer Reviews into his Proposal**

OIG received an allegation that an assistant professor at a North Dakota university submitted a proposal containing plagiarism. Our inquiry determined that a couple of pages of text were identical to material from 13 sources within 3 declined proposals. Four of the sources from which the subject allegedly copied text were anonymous peer reviews by NSF reviewers.

We referred the allegation to the subject's university for investigation. The university's investigation committee concluded a preponderance of the evidence proved the subject knowingly committed plagiarism, and the university imposed a variety of administrative actions on him. We concurred with the university's findings and recommended that NSF: make a finding of research misconduct against the subject; send the subject a letter of reprimand; require certifications and assurances for 2 years; and require certification of attending an ethics class. NSF's Deputy Director concurred with our recommendations.

## **Research Misconduct Findings Made Against New Faculty Member and a Graduate Student**

NSF's Deputy Director took action on two cases reported in previous Semiannual Reports in which we recommended that NSF make a finding of research misconduct. The first involved a new faculty member at a Pennsylvania institution who plagiarized text into his first NSF proposal.<sup>18</sup> The Deputy Director applied the following sanctions: issued a letter of reprimand notifying the faculty member of the finding of research misconduct; required completion of an ethics course; required certifications and assurances for 2 years; and barred the faculty member from serving NSF in an advisory capacity for 2 years.

In the second case, a masters student at a Washington university fabricated data in her thesis while receiving NSF funds.<sup>19</sup> The Deputy Director: issued a letter of reprimand containing a finding of research misconduct; proposed debarment for 3 years; required certifications and assurances for 3 years following the debarment; required completion of an ethics course covering the proper handling of data; and banned the student from serving NSF in an advisory capacity for 3 years.

## **Research Misconduct Reports of Investigation Forwarded to NSF Management**

In each of the following cases, OIG has forwarded a report of investigation with recommendations that NSF's Deputy Director make a finding of research misconduct and take appropriate administrative actions. The Deputy Director has not yet acted on our recommendations.

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<sup>18</sup> March 2008 Semiannual Report, pp.33-34.

<sup>19</sup> March 2008 Semiannual Report, p.33.

## **Student's Plagiarism Adversely Affects the Careers of Mentors in Two Countries**

A foreign doctoral student at a Washington state institution, published a paper derived from his graduate research in an online journal but omitted any reference to or acknowledgement of his co-author and faculty doctoral advisor, who was the PI on the NSF award that supported the research. Further, the student entered data related to the research in an online database, again without acknowledging the PI.

Seeking to interview the student, OIG was informed by the U.S. institution that he had abruptly quit its doctoral program and returned to his home country. Once there, the student rejoined the laboratory of his Master's advisor. Shortly thereafter the student published an article, identifying himself, his Master's advisor, and four other home country scientists as authors. He also entered the data in an online database, attributed to his Master's advisor. In fact, the data had been gathered in the PI's laboratory and none of the named coauthors had participated in the research. Once informed about this, the Master's advisor ensured the paper and data were withdrawn.

OIG referred both the inquiry and subsequent investigation to the U.S. institution. It concluded that the student and his Master's advisor shared responsibility for the student's actions. However, as part of our subsequent investigation, we determined that the U.S. institution's investigation had not considered key evidence that was inexplicably omitted from its review of the PI's computer documents. The evidence substantially invalidated the committee's conclusions and appeared to absolve the advisor from any responsibility. Unfortunately, the U.S. institution had already provided its report to the Master's advisor's institution, which reprimanded him, restricted his access to institution grant funds, and dismissed the student from the institution.

At our urging, the U.S. institution rescinded the findings of its first investigation, informed the Master's advisor's institution, and initiated a new investigation. It recused its Research Integrity Officer to ensure the complete objectivity of the second effort. The absence of the key evidence in the PI's possession suggested that he may have tried to mislead the first investigation committee. As a result, the institution initiated a separate inquiry into the PI's actions.

The U.S. institution's second investigation was thorough and complete, and concluded that the graduate student alone was responsible for the plagiarism. Its inquiry into the PI's actions showed that the institution had failed to gather all relevant available electronic information from the PI's laboratory. We concurred with both conclusions and determined that if the PI had been more forthcoming with information, the first committee might have relied on the correct evidence in reaching its conclusions.

We consider the student's actions to be among the most egregious acts encountered in a research misconduct case. The student's actions not only destroyed any possible working relationship between what had been two collaborating senior investigators and their students, it resulted in the PI's inability to publish the data. It was the impetus for events which ultimately led to a flawed

investigation that damaged the reputations of both senior investigators. As a positive consequence of these events, the U.S. institution has improved both its responsible professional practices training and its investigative processes.

We recommended that NSF make a finding of research misconduct against the student, send him a letter of reprimand, and debar him for 5 years.

### **Researcher Copies Text and Figures into Multiple SBIR Proposals**

An allegation of extensive plagiarism in multiple SBIR proposals submitted by a Florida researcher over a 5-year period was confirmed by an OIG investigation. When contacted, the subject acknowledged an “oversight” for not providing citations and references to numerous source documents from which text and figures were copied into her proposals. But in fact, the evidence supports an extensive pattern of “cut-and-paste” plagiarism from print and web sources. Extensive plagiarism was even found in a new proposal the subject submitted while our investigation was ongoing.

We recommended NSF make a finding of research misconduct against the subject; send the subject a letter of reprimand; debar the subject for a period of 2 years; require the subject submit certifications for 2 years after debarment ends; require the subject’s employer submit assurances for 2 years after debarment ends; prohibit the subject from serving as a merit reviewer of NSF proposals for 2 years after debarment ends; and require the subject to provide certification for completion of a course in ethics training.

### **PI Plagiarizes Work Plan into Funded SGER Proposal**

An associate professor (the subject) at a Texas university plagiarized into seven separate proposals submitted to NSF. Our inquiry determined that a total of 269 lines, 4 figures and captions, and 19 references were copied into 3 awarded and 3 declined NSF proposals. One of the awarded proposals was a SGER award for \$55,352. After receiving the subject’s institution’s report of investigation, we discovered that the subject had plagiarized text into an awarded proposal he submitted during our ongoing investigation.

When interviewed regarding the plagiarism contained within the SGER proposal, the cognizant program officer said he made the award because he thought the idea the subject presented to him both in person and in writing was original. His statement was evidence that a material misrepresentation in the proposal was instrumental in making an award of federal funds. We referred the case to the U.S. Attorney’s Office, which declined prosecution in lieu of strong administrative actions by NSF because the subject did not receive personal financial benefit from the SGER award.

We recommended NSF: make a finding of research misconduct against the subject; send the subject a letter of reprimand; debar the subject for 2 years; require certifications and assurances for 2 years; bar the subject from serving as an NSF reviewer for 3 years; and require certification of attending an ethics class.

## **PI Plagiarizes Online Materials into His NSF Proposal**

An OIG investigation concluded that a Virginia PI plagiarized text from multiple source documents into one NSF proposal. The institution's investigation committee concluded that, although the PI knowingly included material from online sources, he did not understand the significance of including this material as part of the proposal without appropriate citation.

Based on the university's comprehensive report, we concluded the PI committed research misconduct and recommended NSF: 1) send a letter of reprimand to the PI informing him that NSF has made a finding of research misconduct; 2) require him to certify to NSF's OIG that proposals he submits to NSF for 2 years from the date of the letter of reprimand do not contain plagiarized, falsified, or fabricated material; 3) require the subject submit assurances by a responsible official of his employer to the OIG that any proposals or reports submitted to NSF do not contain plagiarized, falsified, or fabricated material for 2 years and 4) direct him to attend a course in research ethics and provide documentation to the OIG upon completion. NSF's adjudication is pending.

## **Institution Discovers PI's Plagiarism Was Part of an Extensive Pattern**

A PI from a Pennsylvania university plagiarized text from multiple source documents into two NSF proposals. As part of its investigation, the PI's institution concluded that, in addition to the two NSF proposals, the PI also had submitted three proposals containing plagiarized text to other agencies and funding organizations.

Based on the university's investigation, we concluded the PI committed research misconduct and recommended NSF 1) send a letter of reprimand to the PI informing him NSF has made a finding of research misconduct; 2) require him to certify to NSF's OIG that proposals he submits to NSF for 2 years from the date of NSF's letter of reprimand do not contain plagiarized, falsified, or fabricated material; and 3) direct him to attend a course in research ethics.

## **Former Professor Plagiarized into an NSF Proposal**

OIG launched an inquiry into an allegation that a subject submitted a proposal containing plagiarism while employed as an assistant professor in an Indiana university. The inquiry identified plagiarized material in four proposals, and we initiated an investigation.

The subject of the investigation, who was no longer employed at the university, provided adequate documentation to show she had rightful use to text copied in three of the four proposals. However, she did not dispute the copying of text into the fourth proposal. Our investigation concluded by a preponderance of the evidence that the subject knowingly plagiarized from four sources in one proposal.

We recommended NSF: make a finding of research misconduct against the subject; send the subject a letter of reprimand; require certifications and assurances for one year; and require certification of attending an ethics class.

## **Faculty Member Unsuccessfully Passes Blame to Students for Plagiarism**

A faculty member at a university in Michigan knowingly copied plagiarized material from his students into his NSF proposal and when questioned, deflected the blame for his misconduct to them. The university's investigation concluded that the faculty member committed research misconduct by plagiarizing 60% of the copied text from a student's thesis.

With respect to the remaining copied text, we learned that a second student provided the faculty member (who was also his mentor) with the plagiarized text, knowing the material would be used in a proposal requesting support for his dissertation. Like the first student, this student is a non-native English speaker with little or no training in presenting scientific material in English. The university concluded that the student lacked sufficient knowledge of the need for and mechanics of proper attribution, thus making him incapable of having the minimal level of intent for a finding of misconduct. Noting that as a university it did not provide the student with sufficient training, the university has taken steps to educate its students about appropriate citation. We agreed that under the circumstances of this case, this student did not have the requisite intent for a finding of research misconduct.

We forwarded our recommendation to NSF for a finding of research misconduct against the faculty member for knowingly plagiarizing material from his student's thesis and recommended that NSF send a letter of reprimand to the faculty member, ban the faculty member from serving NSF in an advisory capacity for 2 years, and require the faculty member to: 1) for 1 year, submit a description of his plans for training his students and postdoctoral associates in conjunction with any proposal he submits to NSF; 2) for 1 year, submit certifications by him and assurances by a responsible official at his employer each time he submits proposal or reports to NSF stating the documents do not contain plagiarism, falsification, or fabrication; 3) submit within 1 year a certification of completion of a course in research ethics; and 4) certify retraction of a proceedings paper also containing the unattributed plagiarized text.

## **Professor Copies Text from a Proposal He Peer Reviewed**

A senior professor at a New Jersey university inappropriately retained a copy of a proposal he reviewed for NSF, and copied text from it into his own proposal, which he submitted to NSF the following year. The copied material first appeared in the subject's original proposal, and again in subsequent resubmissions of the same proposal.

Based on the university's report of investigation, we recommended that NSF: make a finding of research misconduct against the subject; send the subject a letter of reprimand; require the subject to submit certifications for 1 year; require the subject's employer to submit assurances for 1 year; prohibit the subject from serving as a reviewer of NSF proposals for 2 years; and require the subject to provide certification for completion of a course in ethics training. A decision on this matter is pending.