Agency's Perspective on COI

SRA Southern Section

Baton Rouge, LA

April 2004

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National Science Foundation

Who are we?

Let's Introduce Ourselves

National Science Foundation

NSF annual budget: $4.789 billion (in Year 2002)

NSF's share of federal funding for all basic research done at academic institutions: 23%

Number of organizations (colleges and universities, schools, nonprofit institutions, and small businesses) receiving NSF funds each year: 1,800

NSF

Number of proposals that NSF competitively reviews each year: 32,000

Approx. number of total awards funded each year: 20,000

Approx. number of new awards funded each year: 10,000

Number of merit reviewers yearly: 50,000

Number of reviews done each year: 250,000

NSF's OIG

- Each Fed agency has an OIG
- OIGs prevent and detect waste, fraud and abuse
- We also handle allegations of research misconduct
- We see cases where a COI has not been properly handled
  - COIs may lead to civil, criminal or administrative penalties

Let's Introduce Ourselves

Who are you?

Mary Smith
Joe Smith
Anonymous University

What should we talk about?

- Interesting issues
- Problems or concerns
- Clarifications

Why do we care about COI?

- Research interests are getting more complicated
    - Statistics on tech transfer
    - Patents
    - Industry contribution to research
    - Federal dollars
    - Increase collaborative research

NSF's Expectations

- Grantees implement a COI policy that both identifies and manages COI.

- Policies should be at least as restrictive as NSF's policy.

- Grantees realize that such policies protect them, not just the Federal agency!

- COI management means managing integrity.

Key Features of NSF's Policy

- Considers personal relationships
- Establishes a dollar threshold
- Establishes relationship to NSF award
- Broadly defines investigator
- Requires management or notification to NSF
- Requires adequate enforcement mechanisms
- Complete before award and annually update

- See: http://www.nsf.gov/pubs/2002/nsf02151/gpm 02_151.pdf

What do you see as the Key Features of a GOOD University Policy?

Keys of a good policy

- Objectivity
- Annual documented review
- Consider issues as cohesive whole so policies dovetail
- Comprehensive coverage
- Credible results
- Consequences for
  - noncompliance

How we see it.

Government

Grantee

Government Perspective

- Ensures objectivity / credibility of research

- Eliminates competing interests that interfere with the public good

- Safeguards federal funds

Government Perspective

- Institutional conflict of interest
- PI conflict of interest and commitment
- Technology transfer
- Patents
- Research Integrity
- Compliance with regulations
- Administering funds
- Ensuring data publication

Grantee Perspective
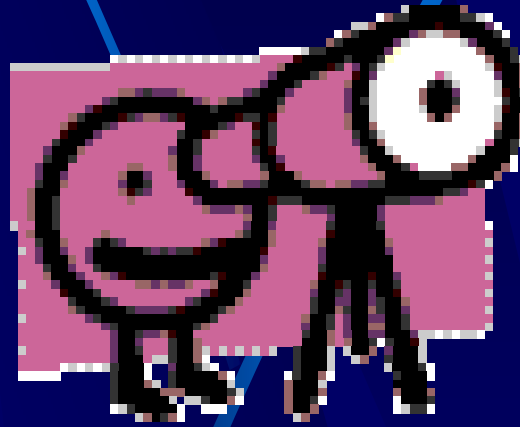
How do you see it?

Keys to Implementation

Compliance

- Documentation
- Training of staff and reviewers
- Oversight
- Effective enforcement
- Leadership

Commitment to uphold ethics and objectivity

Case Study 1

- Issues:
- Two professors were alleged to have improperly spent $20,007.56 from their NSF grants.

- They charged unauthorized reimbursements related to travel and per diem expenses.

-

- They claimed reimbursement from NSF for consulting work and expenses incurred during personal travel to Greece, and for a business trip to Australia ..... all unrelated to the NSF award.

Violations

PIs failed to disclose their consulting arrangement and the existence of their small company so the COI could be properly managed by the university – as required by NSF and the university policies

Violations

- 18 U.S.C. § 1001* (False statement / omission of a material fact). For failing to disclose their ownership of a small company – a required financial disclosure

- 18 U.S.C. § 666 (Theft or bribery re program receiving federal funds) and § 287 (False, fictions or fraudulent claims) for filing false and duplicative claims for travel

- *A criminal violation – we are required to take substantive criminal (and civil) allegations to a U.S. Attorney.

As a result......

- University established a Research Compliance Task Force.
- University reviewed and tightened its compliance processes
- University returned $71,277.65 in unallowable expenditures.
- University implemented a new compliance program for PIs and others
- The University agreed to tighten its review of professors' interests

Case Study 2

- Issues:
- University certified on NSF proposal that it had an appropriate COI policy*
- Our review showed that the University did not have ANY COI policy or no record system.
- We determined the university had submitted and certified on 11 NSF proposals that it had a COI policy (University had also submitted 3 proposals to HHS)

- *i.e. meeting NSF's requirements

Violations

- 18 U.S.C. §1001

- NSF Conflicts of Interest Policy (GPM §510)

As a result ......

- NSF requested that the university complete and implement a COI policy
- The university was reluctant to do so
- NSF offered to suspend ALL NSF awards until the policy was completed
- University quickly completed and implemented policy
- Establish a system to maintain record of disclosures.

Case Study 3

Contribution by audience

Integrity Starts with You

If you are aware of, or suspect
- research misconduct
- fraud
- waste
- abuse

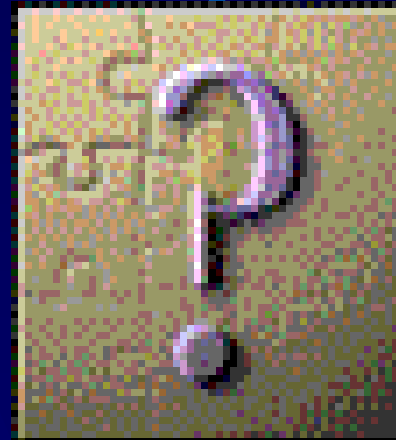or if you just have questions,

- Please contact the
NSF Office of Inspector General
Suite 1135
(703) 292-7100

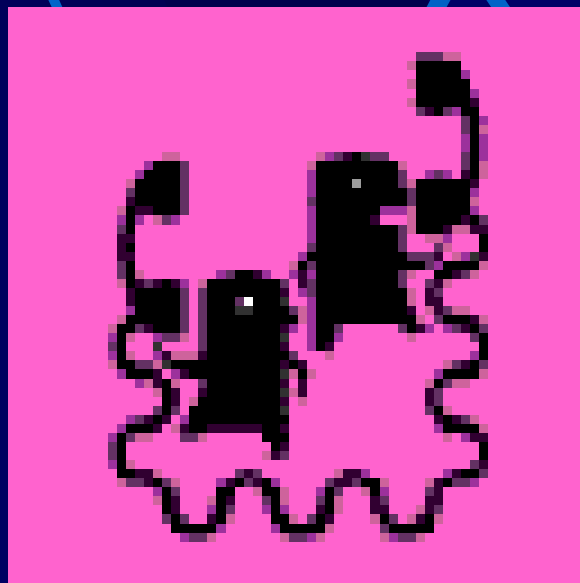- Anonymous Hotline 1-800-428-2189

INTEGRITY STARTS WITH YOU!

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