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Office of the Inspector General

National Science Foundation

Presentation Outline

- Partners in Oversight of the Research Environment
- Missions, Responsibilities, and Expectations
- Providing Protection
- Examples of Misused Funds
- International Issues in Research Misconduct
- Questions

Our View of the Enterprise: A Partnership

- National Science Foundation
  - **Program Officers**
  - **Grants Officers**
  - **OIG**
- Institution Officials
  - **Administrative**
  - **Financial**
  - **Education**
- Researchers
  - **Students**
  - **Colleagues**
  - **Postdocs**
  - **Administration**

National Science Foundation

- Created in 1950 by Harry Truman

- Budget ~$6.0 Billion

- Funds for scientific research and education, primarily through grants (rather than contracts)

- We "buy" science (pennies saved = another grant)

National Science Foundation

- NSF provides 23% of the funding for basic research in America's universities and colleges

- Over 1800 organizations (colleges, universities, school systems, nonprofit institutions, and small businesses) receive NSF funding each year

- No labs or research facilities

National Science Foundation

- 40,000 proposals competitively reviewed each year
- Total awards funded each year: 20,000
- New awards funded each year: 11,000
- Number of merit reviewers yearly: 50,000
- Number of reviews done each year: 250,000

Partners in Compliance

- The Agency (National Science Foundation)
    - Program Officers (science decisions)
    - Grants Officers (business managers)
    - Office of Inspector General (Oversight)
- Institution/University Officials
    - Administrative officials
    - Financial (business managers)
- Research Community
    - Professors (Principal Investigators), students
    - Post-doctorate researchers
    - Support staff

NSF Responsibilities

- Provide funding opportunities
- Establish clear rules and expectations
- Make timely decisions
- Monitor progress (both research and funds)
- Coordinate with other government agencies
- Balance competing interests
  - Government
  - Institution
  - Researcher

NSF Responsibilities

- Program Officers
  - Review proposals
  - Recommend awards
  - Monitor research portfolio
  - Conduct site visits
  - Review Cost Share Certifications
- Grants Officers
  - Provide award funding
  - Review awardee systems
  - Monitor award financial activities / commitments
  - Conduct site visits to assess internal controls
  - Designate "high risk" awards, awardees
  - Advance or special payment decisions

NSF Expectations

- True statements to the Government in proposals and in reports (research and financial)
- Perform the funded work
- Charge reasonable, allowable, verifiable costs
- Monitor expenditures for appropriate use
- Comply with all requirements
- Hire qualified individuals
- Ensure rules apply to
  - employees & affiliated researchers
  - sub-contractors & suppliers
  - international collaborators

NSF OIG Mission

- Mission:
- Prevent and detect fraud, waste, and abuse
  - Promote economy, efficiency, and effectiveness
- Features:
  - Independent of agency management
  - Dual reporting requirements
    - Congress
    - National Science Board
  - Specific jurisdiction (NSF programs and operations)
  - Cannot manage programs or make policy

Source: The National Science Foundation Act of 1978, as amended, 5 U.S.C. Appendix

NSF OIG: Tools

- Audits
  - NSF financial statement
  - Internal NSF performance audits
  - External grant audits
  - Referrals to Investigations
- Investigations
  - Criminal, civil, and administrative cases
  - Proactive reviews
  - Management implication reports
  - Referrals to Audit
- Inspections and evaluations
- Educational activities

NSF OIG : Standards

- Audit / Inspections
  - Yellow Book
  - Government circulars
  - Professional standards
  - Peer review
- Investigations
  - Legal standards
  - Inspector General Quality Standards
  - Professional standards
  - Peer review

NSF OIG: Annual Audit Plan

- Reflects analysis of risk and vulnerability
- Input
  - Survey of NSF concerns
  - Previous audit experience
  - Input from Awardee A-133 audits
  - Investigations input
- Results
  - Targeted audits
  - Recommendations for recovered funds
  - High risk award / awardee designation
  - Process / internal control improvements

NSF OIG : Investigative Efforts

- Respond to allegations
  - False statements
  - Fraud
  - Research misconduct
- Proactively review trends for potential fraud
- Intensive outreach effort
- Results:
  - Recovered funds
  - Settlement and compliance agreements
  - Suspension / debarment
  - Assurances / certifications
  - High-risk award / awardee designation
  - Prison

NSF's OIG

NSF OIG staff is composed of:

- administrators
- scientists
- criminal investigators
- auditors
- attorneys

Office of Investigations

- OIG's responsibilities include the detection and prevention of waste, fraud, and abuse involving NSF programs and operations

- OIG investigations conducts civil, criminal, and administrative investigations

Sources of Allegations**

- Principal Investigators
- NSF Program Officers
- Other NSF Employees
- Review Panelists
- Government Agencies

- Graduate Students
- University Administrators
- Contractors
- Anonymous Hotline Callers or Informants

** *Anyone* may confidentially contact OIG to report potential wrongdoing

Investigative Process

- Conduct preliminary research; determine jurisdiction; identify issues; gather evidence
- Objective investigation of substantive allegations
- As appropriate, refer to audit or other agency OIG
- Prepare written Report of Investigation
- Work with DoJ, NSF, and awardees to develop appropriate resolutions that protect the interests of the Federal government and the U.S. taxpayer

Expectations

- NSF
  - Clear articulation of rules/expectations
  - Balance compliance, institution responsibility and latitude, reduction of bureaucracy
  - Numerous funding opportunities
- Institution
  - An environment in which employees can operate with integrity
  - Responsible administrative, financial, and research management and oversight (e.g. Article 1, GC-1)
- Investigators
  - <u>Overall -- Uphold ethics and standards of community</u>
  - Submit quality proposals and conduct the funded activity
  - Know and adhere to rules, regulations and ethics
  - Ensure compliance and education of staff, students

University Responsibilities

- Certify / ensure compliance with terms and conditions

- Maintain environment of integrity

- Effective financial and administrative systems

- Ensure monitoring and oversight of programs

- Charge reasonable, allowable, verifiable costs

- Act as conduit between researchers and funding agency

- Ensure education of future generations of researchers

Institutional Role

- Notify OIG
    - of allegations of wrongdoing
    - of significant financial or administrative problems
    - of research misconduct issues
- Take appropriate remedial actions

Institutional Role, cont'd

- If reporting wrongdoing, financial problems, administrative problems
  - Respond to request or subpoena for documentation
  - Provide financial records
  - Provide research records
  - Provide internal audits
  - Permit interviews of employees
- If reporting research misconduct
  - Expect referral of the matter to the University for investigation
  - Permit interviews of employees
  - Conduct any required institutional investigation

Common Admin Allegations
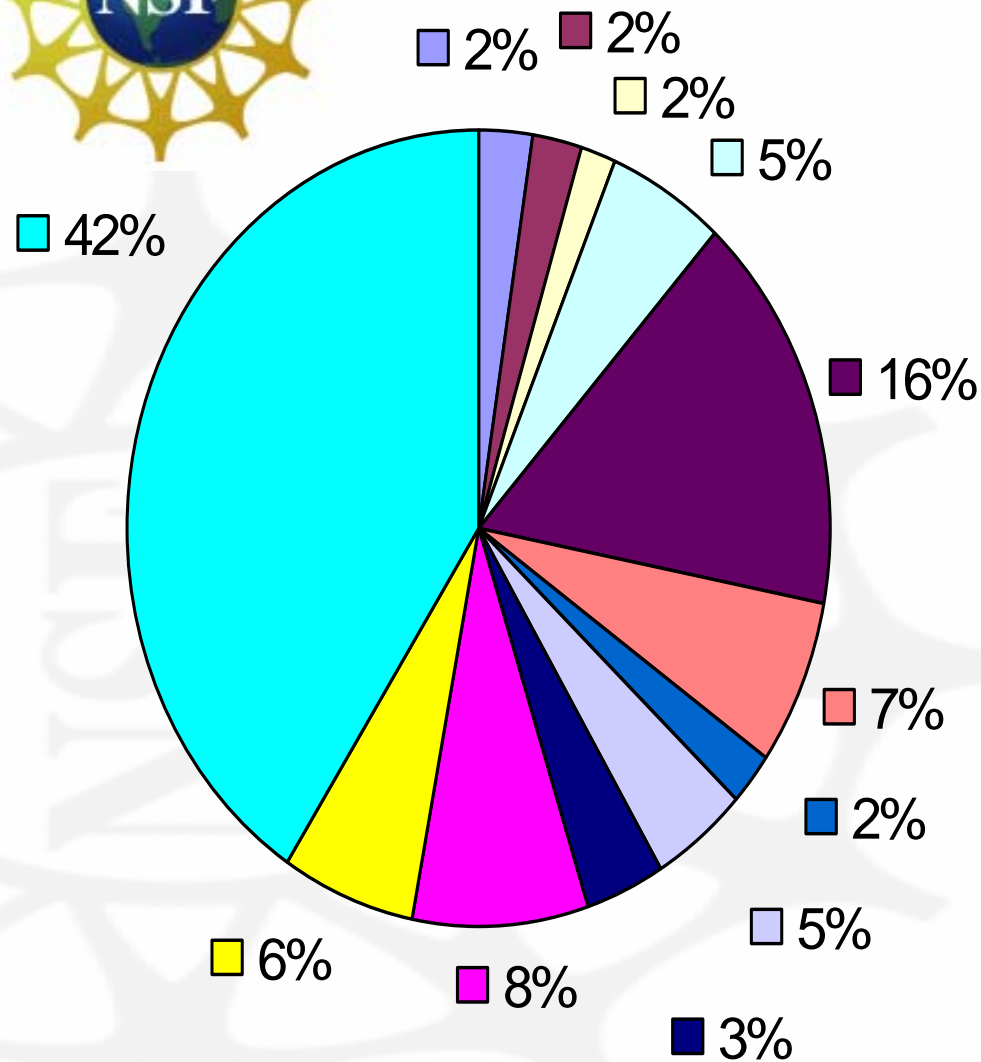
- Animal /Permit / Biohazard / Humans (2%)
- Conflict of Interests (2%)
- Data sharing (2%)
- Fabrication (5%)
- Falsification (16%)
- Fraud (7%)
- Impeding Research Progress (2%)
- Abuse of Collegues/Students (5%)
- Mishandled Investigations /Retaliation (4%)
- NSF Procedures (8%)
- Merit Review (6%)
- Plagiarism (verbatim, Intellectual theft) (40%)

Admin Consequences

- Reprimand
- Training or teaching
- Additional oversight
- Certifications/Assurances
- Dismissal

- Withdrawal of proposal(s)
- Award Suspension/Termination
- Suspension/Debarment
- Exceptional Status
- Disallowed costs

Common Statutory Violations

- Embezzlement/Theft
- Fraud
- False Statements or Claims
- Conflict of Interests
- Obstruction of Justice
- Civil False Claims

- 18 USC §§ 641, 666
- 18 USC §§ 1030, 1341-3
- 18 USC §§ 287, 1001
- 18 USC §§ 207-9
- 18 USC § 1505
- 32 USC § 3729

Common Types of Civil/Criminal Allegations
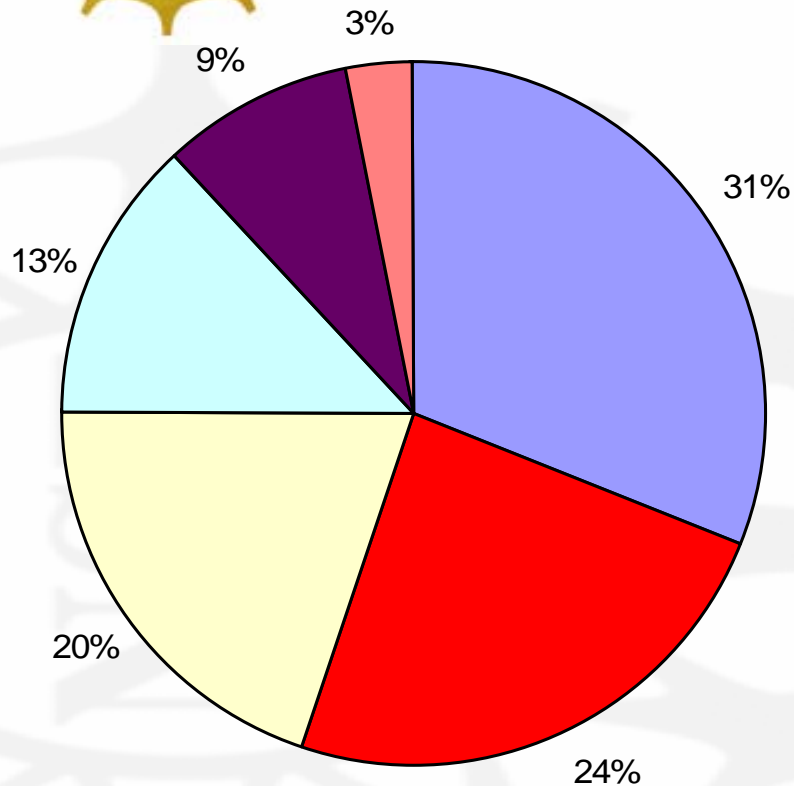
- □ Theft/Embezzlement (31%)
- ■ False or Fraudulent Statements (24%)
- □ Miscellaneous* (20%)
- □ False or Fraudulent Claims (13%)
- ■ Conflicts of Interest (9%)
- ■ Computer Fraud (3%)

*Includes mail fraud, false identification insurance fraud, impersonating a government officer, and copyright infringement.

Data gathered from NSF OIG closed Investigative files (1990 – Present).

Investigation Outcomes

Legend:
- Unsubstantiated Allegations* (32%)
- Restitution (21%)
- Referral (11%)
- Termination of Grant (8%)
- Miscellaneous** (8%)
- Incarceration/Probation (6%)
- Termination of Employment (6%)
- Civil Action (4%)
- Debarment (4%)
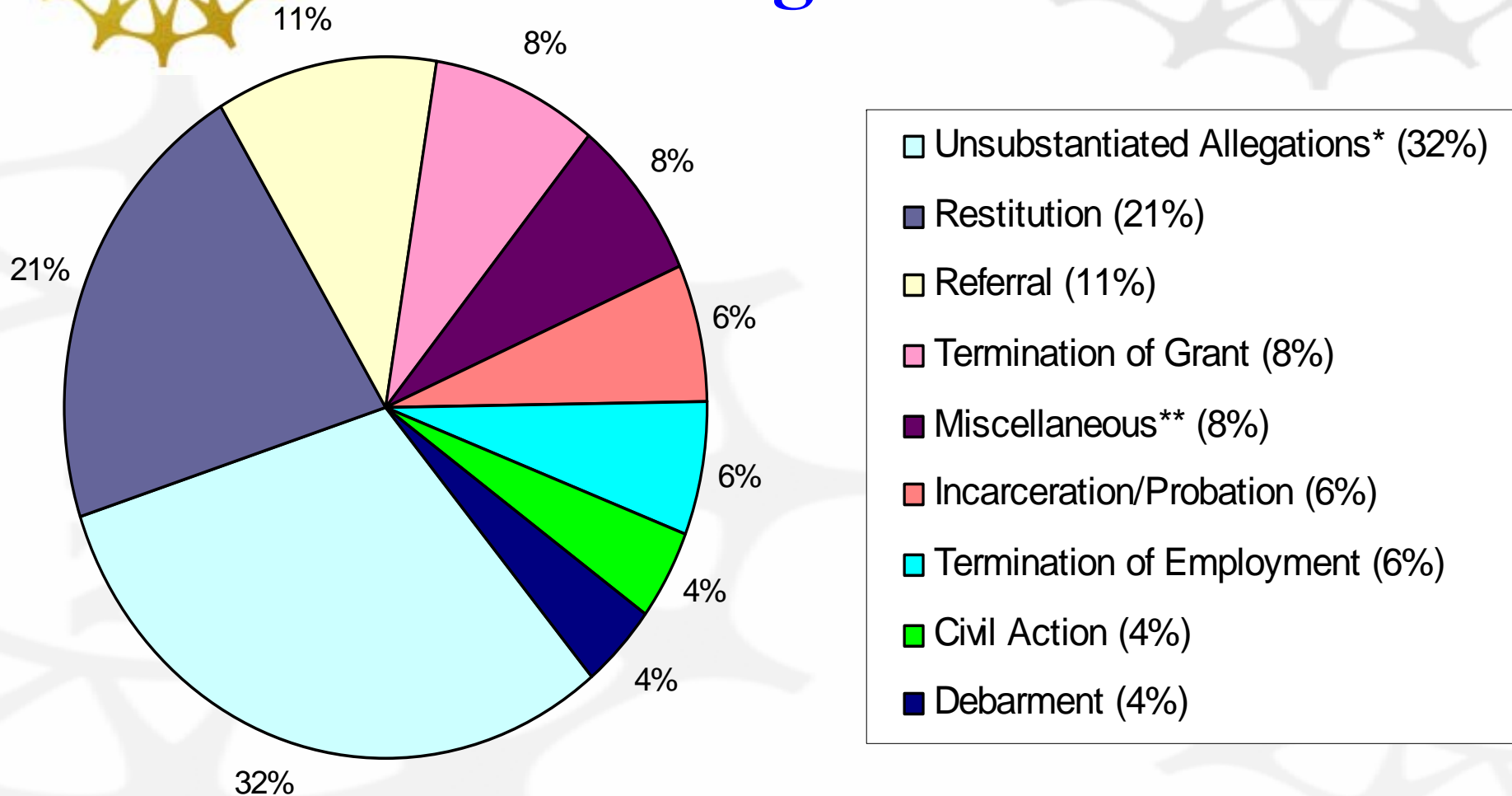
* Allegation was preliminarily investigated but found to be insufficiently material to warrant further action.
** Includes monitoring, enacting new guidelines, letters of reprimand, etc.
Data gathered from NSF OIG closed Investigative files (1990 – Present).

DOJ Prosecutorial Options

- Pursue civil or criminal case
- Prosecute criminal cases
  - Fines, penalties, restitution
  - Imprisonment
  - Subsequent debarment by agency
- Decline in lieu of agency action
- Decline

Prosecutorial Options (cont'd)

- Assist in administrative settlement
  - Restitution of funds
  - Grant restrictions
  - Audits and improved internal controls
  - Compliance Agreements
  - Suspension
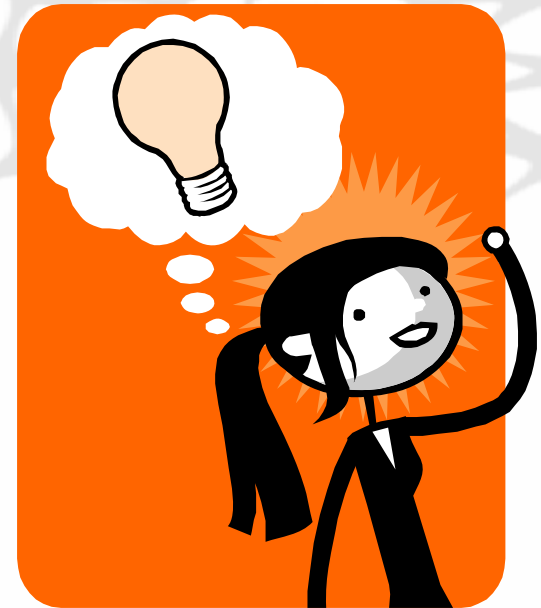 - Debarment

So, what is the answer?
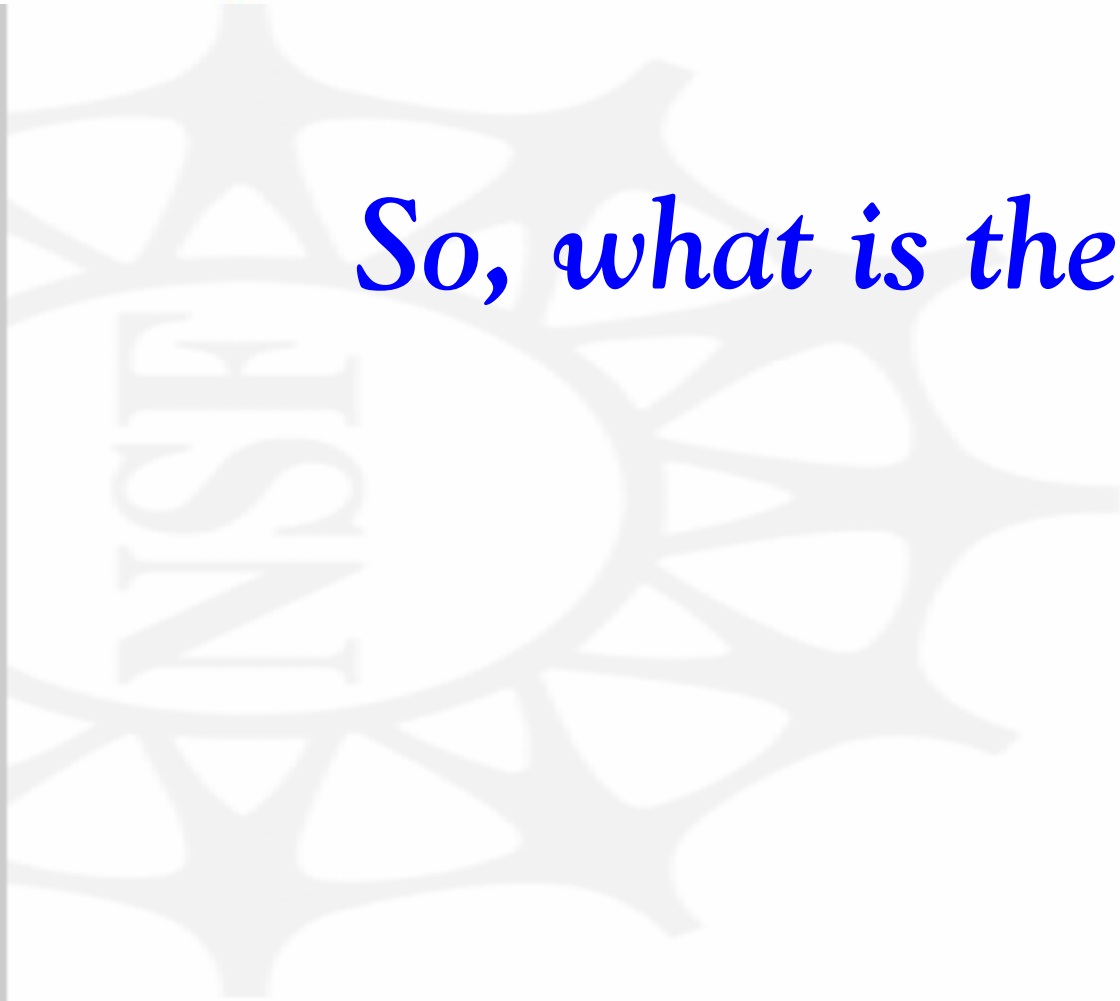
The Magic Bullet Does <u>NOT</u> exist.

AN Answer:

Effective Compliance Programs

Will you have one?
Will it be voluntary?
or
Will it be imposed?

One Way To Get There:
Imposed Compliance Plans

- $15 M; overcharging IDC

- $30 M, exceptional status and oversight program; misuse of federal grant funds

- $12 M; overbilling

- $650,000; research fraud and abuse

- $1.5 M, 5-year compliance program; cost-sharing

- $1.2 M; inflated research grant costs

- $150,000, 5-year compliance program; misuse of federal funds

- $2.5 M, 5-year compliance program; cost-sharing, salaries, double charging

- $6.5 M, increased oversight; mischarging awards

- $3.4 M, 5-year compliance program; misuse of federal funds

You already have the responsibility

NSF's Requirements

- **The** awardee has full responsibility **for the conduct of the project or activity supported under this award and for adherence to the award conditions. Although the awardee is encouraged to seek the advice and opinion of NSF on special problems that may arise, such advice does not diminish the awardee's responsibility** for making sound scientific and administrative judgements **and should not imply that the responsibility for operating decisions has shifted to NSF.**

- **By accepting this award, the awardee agrees to** comply with the applicable Federal requirements **for grants and cooperative agreements and to the** prudent management **of all expenditure and actions affecting the award.**

Reference: NSF's Grant General Conditions, Article 1.
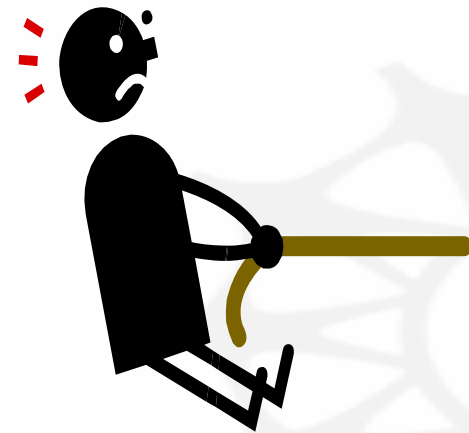
What is a Compliance Program?

- Implemented voluntarily or mandated
  - Mandated programs are based on US Sentencing Guidelines
- Address laws, regulations, rules, or agreements
- Holds organization responsible for employees actions
- Requires Leadership - commitment to do the right thing
- Requires Management - ethical environment
  - Focus on high risk areas
  - Provide systematic monitoring, auditing, oversight
- Requires Training - Communicate facts and expectations
- Requires Action - Early detection /correction

Why Have a Compliance Program?

- The Antithesis of the Rationale:
    - Too expensive
    - Not enough staff
    - Hard to organize
    - No authority
    - No need
    - Too much trouble

Compliance Program Elements

- Reasonable standards and procedures

- High-level personnel responsible

- Careful delegation of authority

- Effective training

- Establish monitoring and auditing systems; whistleblowing system

- Consistent enforcement

- Respond appropriately to wrongdoing

- Report wrongdoing

Source: Federal Sentencing Guidelines, U.S.S.G. §§ 8B2.1, 8C2.5(f), & 8D1.4(c)(1) (11/1/04)

Providing Protection
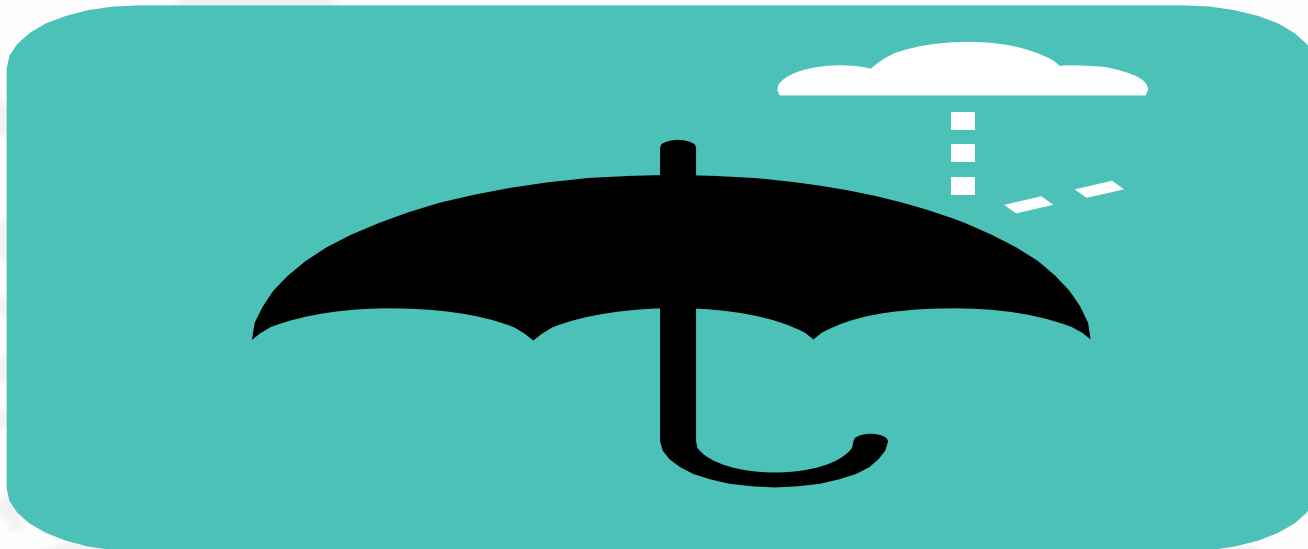
Government, University, and Researcher

Tailor your program:
Where are your risks?

Risk and How to Find It

Just remember that:

Auditors,
Squeaky Wheels,
Whistleblowers, and
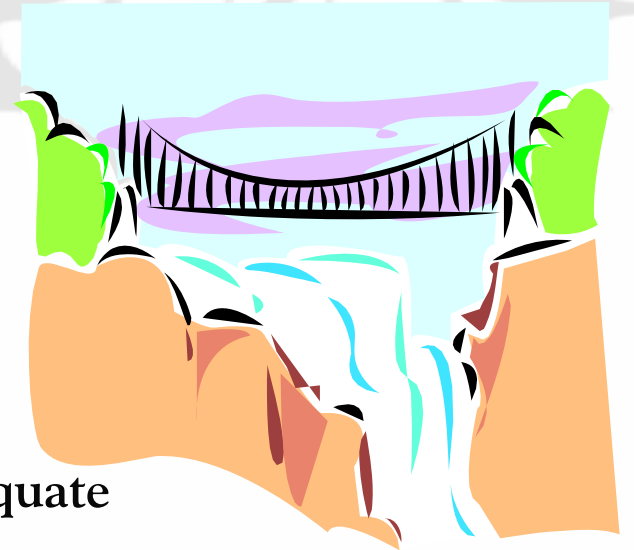Investigators

ARE your friends

Finding Risk

- What needs more review?

- Where's your itch?

- What's autonomous?

- Where's the black hole?

- Are your warning bells ringing madly when you hear someone else's problems?

- What gives you that "Gosh, gotta check <u>that</u>!" feeling?
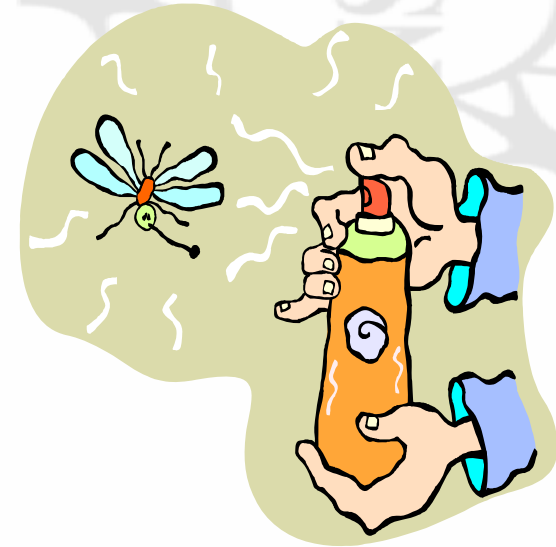
Risk Areas

- Lack of adequate documentation
  - travel documentation
  - cost-sharing
  - records retention
  - credit card receipts do not constitute adequate documentation
- Time and effort reporting and procedures
- Separate financial administration for each award, no pooling
- Abuse or violations of institutional conflict of interest disclosure policies and procedures.
- Updated/adequate RM policies and procedures
- Subawardee monitoring (and A-133s)
- Residual funds
- Oversight activities (Conflict of Interest, Humans, Animals)

More Risk Areas

- Allowable activities supported
- Allowable costs and cost principles
- Cash management
- Eligibility for awards
- Equipment and real property management
- Period of availability of funds
- Procurement suspension and debarment
- Program income
- Participant support
- Timely required reporting
- Special tests and provisions
- Holding accounts
- Summer salaries

What do you look like?

- **Funding Characteristics**
  - Grants, contracts and with what entity
- **Organizational Profile**
  - Decentralized
- **Control Profile**
  - Rainmakers, President, staff
- **Audit Profile**
  - How easily can you get down into the weeds?
- **Activities Location**
  - On-site, off-site, another country, LTER, SBIR, SGER
- **Activity Description**
  - Animals, humans, collection, collaboration, toxins, radiation, equipment
- **Staffing Characteristics**
  - Junior, independent, "senior and wise"
- **Training Profile**
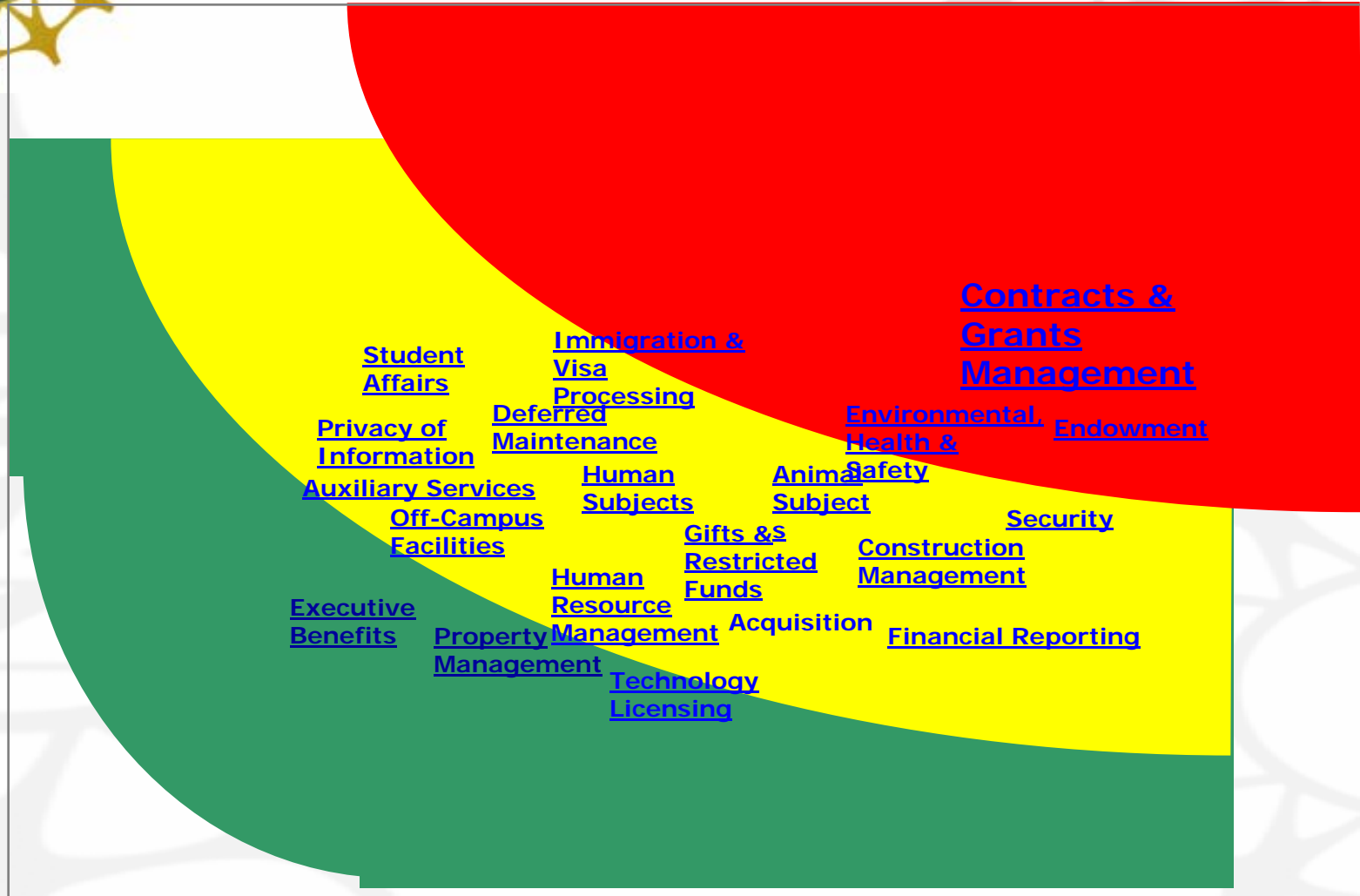 - Comprehensive administrative, financial, oversight, fit the issues
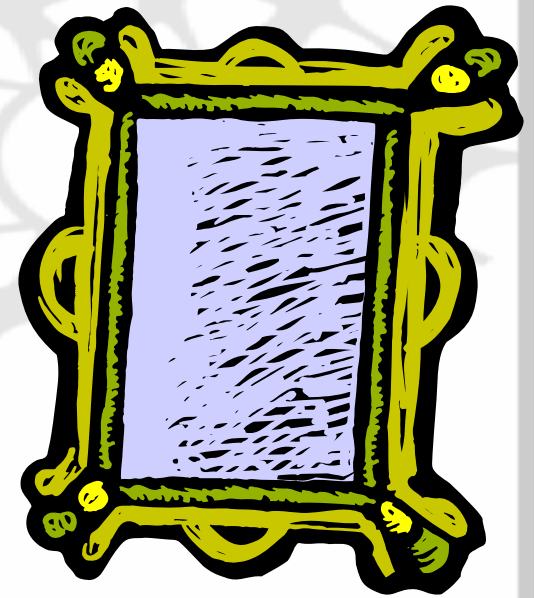
Trends
(x=year, y= relative increase, base year 1995)

Total

Total FFP Allegations
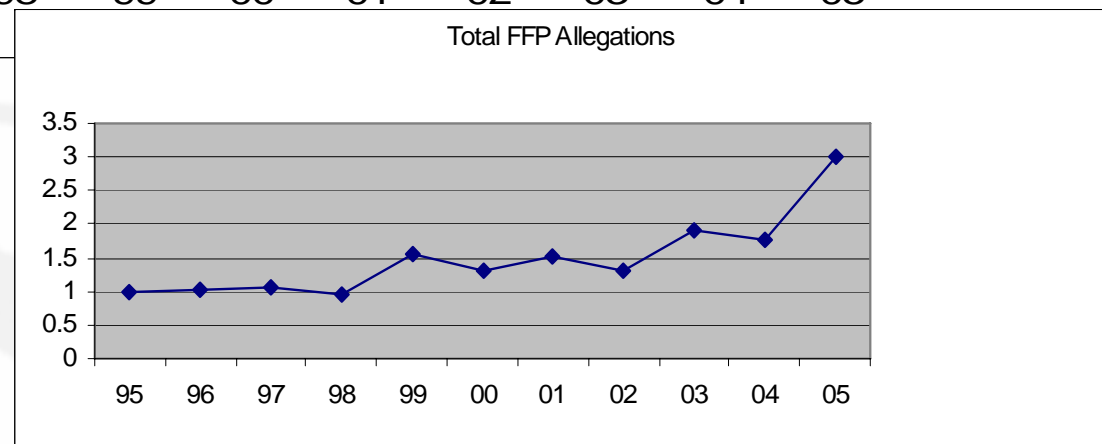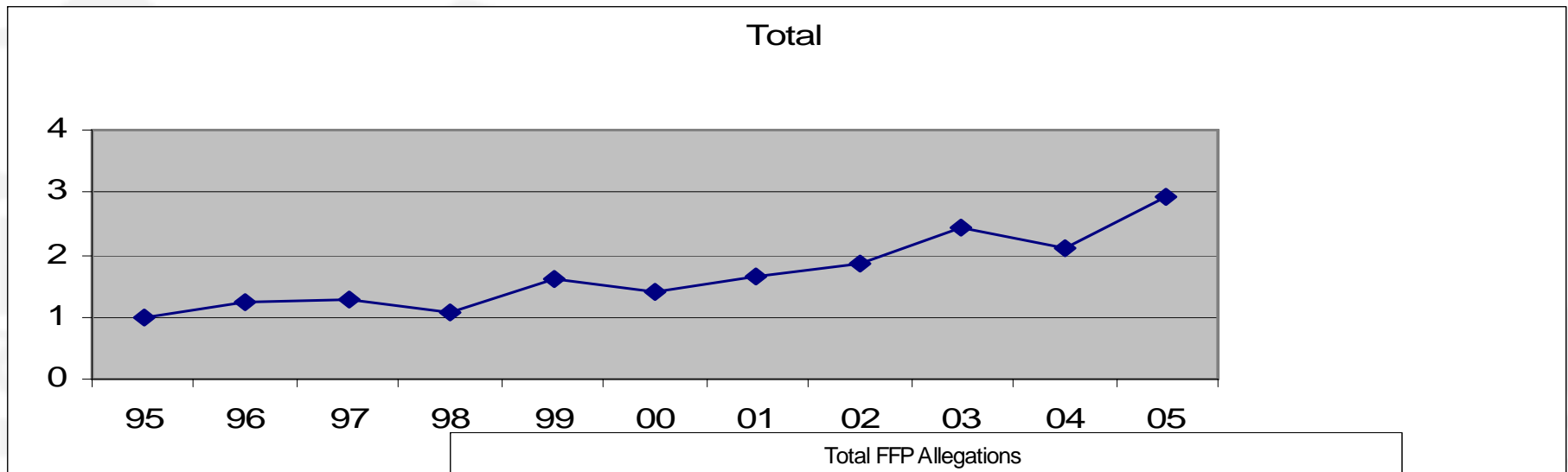
Trends
(x=year, y= relative increase, base year 1995)
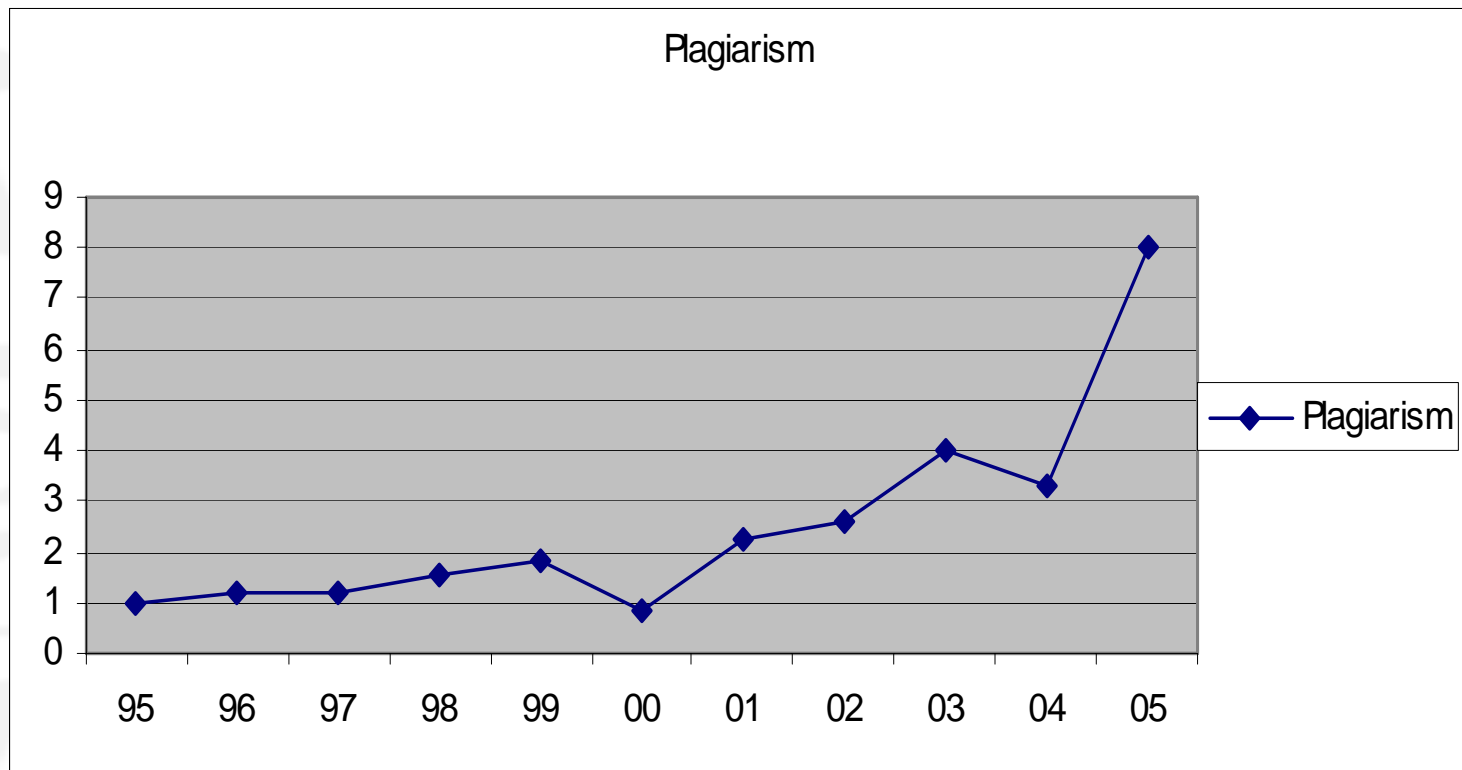
Our Message To You:

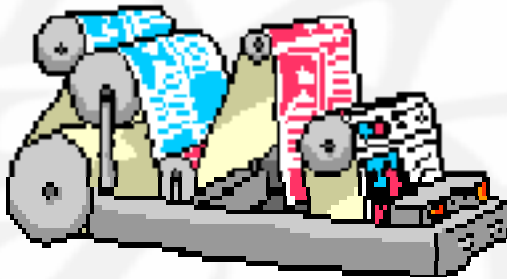**Developing effective Compliance Programs requires tough choices and firm decisions**

But, a well-structured program can reduce your risk and guide your decisions

INTEGRITY STARTS WITH YOU!

- If you are aware of, or suspect
  - research misconduct
    - fraud
    - waste
    - abuse
- Issues of economy or efficiency
or if you just have questions,
please contact the
NSF Office of Inspector General

But, you are <u>not</u> alone.
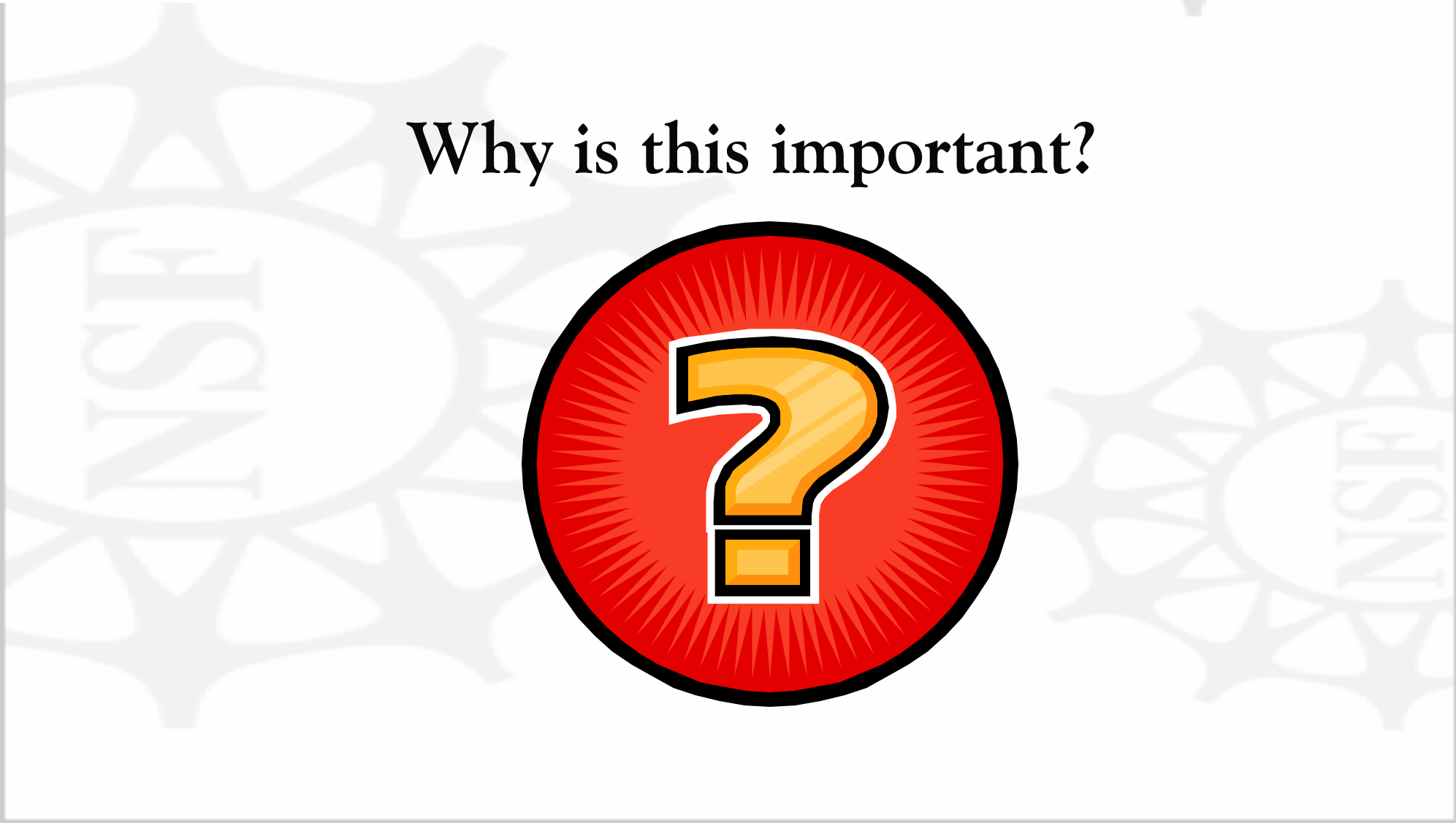# Compliance is an International Issue

- Erosion of public confidence
- Widespread media attention
- Strained international collaborations
- Role and responsiveness of governments questioned
- Need for uniform process and definitions

*Compliance plans can create a common platform to address financial challenges.*

Why is this important?

"Deeper" Risks

- Fabric of the research enterprise
  - Funding levels
  - Leadership on cutting edge issues
  - Recruitment / retention of new researchers
- Research infrastructure
  - University internal control / systems issue
  - Effective management and oversight
- Research efforts
  - Between researchers
  - Between researchers and the research community
  - Between university systems
  - Between countries
- Public perception
  - Funding
  - Trust
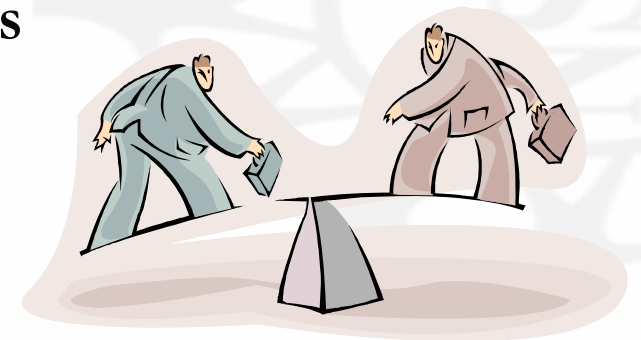
There is a higher goal

University (defined):

- a large and diverse institution of higher learning created to educate for life and for a profession and to grant degrees
  WordNet® 2.1, © 2005 Princeton University

- In the academic sense, a shortening of *universitas magistrorum et scholarium* "community of masters and scholars;"
  Online Etymology Dictionary, © 2001 Douglas Harper

Risk-Based Compliance Programs

- Require Leadership - commitment to do the right thing

- Require Management - ethical environment

  - Focus on high risk areas

  - Provide systematic monitoring, auditing, oversight

- Require Training - Communicate facts and expectations

- Require Action - Early detection and correction problems

- Require MEASURABLE indicators of success

Successful Programs
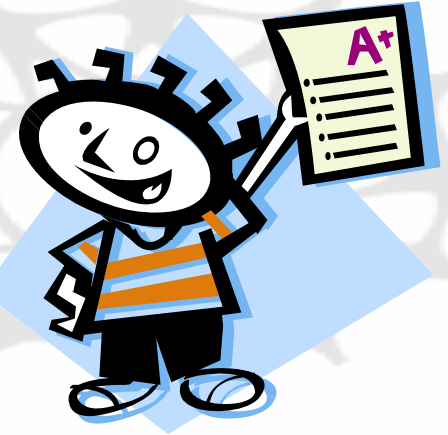
- Address all essential elements
- Are applicable across institutional efforts / communities
- Have effective vehicles for delivery
  - On line
  - Separate classes
  - Embedded in other classes (micro-insertion)
  - Laboratory training
- Contain measurable benchmarks
- Mandatory or Elective?
  - A one-time, optional, on-line, canned program is perhaps not the ideal vehicle

Contact Information

- Internet: http://www.nsf.gov/oig/

- E-mail: oig@nsf.gov

- Telephone: 703-292-5004 (Crystal)
                            703-292-4993 (Bill)

- Anonymous: 1-800-428-2189

- Write: 4201 Wilson Blvd. Suite II-705
                            Arlington, VA 22230

References

- http://oig.hhs.gov/fraud/complianceguidance.html
- **http://www.nacua.org/documents/FedSentencingGuidelines.pdf**
- http://www.ussc.gov/corp/Murphy1.pdf
- http://www.usdoj.gov/dag/cftf/corporate_guidelines.html
- http://ethicspoint.sitestream.com/Webinar%20fulfillment/VickyNemersonMarch2005/EthicsPoint_FSG%20Whitepaper-Feb05.pdf
- Grant, G. Odell, G., and Forrester, R; Creating Effective Research Compliance Programs in Academic Institutions; Academic Medicine, Vol 74, No. 9, September 1999, p. 951.
- Jordan, K.S.; and Murphy, J.E.; Compliance Programs: What the Government Really Wants. Page 121.
- A variety of University web sites
- Managing Externally funded Research Programs; A Guide to Effective Management Practices; Council on Government Relations, June 2005
- DHHS Draft OIG Compliance Program Guidance for Recipients of PHS Research Awards; Fed. Reg. Monday Nov 28, 2005, vol. 70#227, p:71312

QUESTIONS

Grant Mechanics

Let's Talk About

- Cost Share
- Program Income
- Conflict of Interest
- Subrecipient Monitoring
- Effort Reporting
- Participant Support
- Travel
- Signature Responsibilities
- "GRANTS GONE BAD"

What is Cost Share at NSF?

Cost share = all contributions, cash or in-kind

- Cash: Monetary $upport
- In-kind: Non-monetary items
    - donated effort
    - space
    - unrecovered indirect costs, etc.
- Requirements will be clearly stated in the proposal announcement
- "Eligibility" rather than a "review" criterion

OIG Cost-Share Issues

- Accounting System
  - separate account or sub-accounts of NSF award
  - Segregate from Department and General accounts into project specific accounts

- Complete cost sharing or return NSF funds

- Cost sharing must relate to award objectives; must be allocable and necessary

OIG Cost-Share Issues

- Is it real? Is it documented? Is it on time?

- Is 3rd Party cost share valued and documented correctly (donated software, services, old equipment)?

- Are credits for Educational & Volume discounts made?

Allowable Cost Share

- <u>verifiable.</u>
- a <u>specific</u> contribution for only one federally-assisted project.
- <u>necessary and reasonable</u> for project objectives.
- <u>allowable</u> under the applicable cost principles.
- <u>not paid by the federal government</u> under another award, except where authorized.
- provided for <u>in the budget</u> (NSF's line "M").
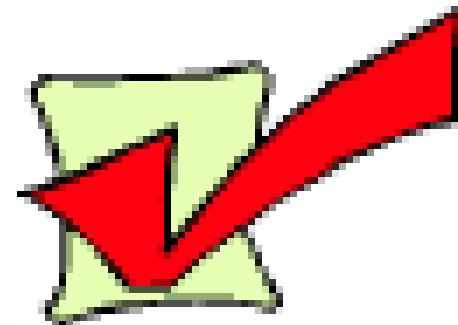
Cost Share - Valuation

- Donated Space
  - Fair rental value by independent appraisal
  - Property/Facilities/Supplies/Services/Equipment
  - Certified value or Fair Market Value (FMV)
- Services
  - Employee, similar rate of pay plus fringe benefits (FB)
  - Third Party, regular rate of pay plus FB (less indirect costs)
  - In-Kind or Third Party
  - Volunteer services – documented and supported

OMB A-110 Cost Share

- Verifiable from <u>recipient's</u> records
- Necessary, reasonable, and allowable
- Not paid by Federal Govt. or claimed on another Federally sponsored project
- Conform to this circular and cost principles
- Provided for in approved budget
- Unrecovered Indirect Costs (NSF)

Program Income

Program income is:

- gross income earned by the awardee
- directly generated by a supported activity, or
- earned as a result of the award
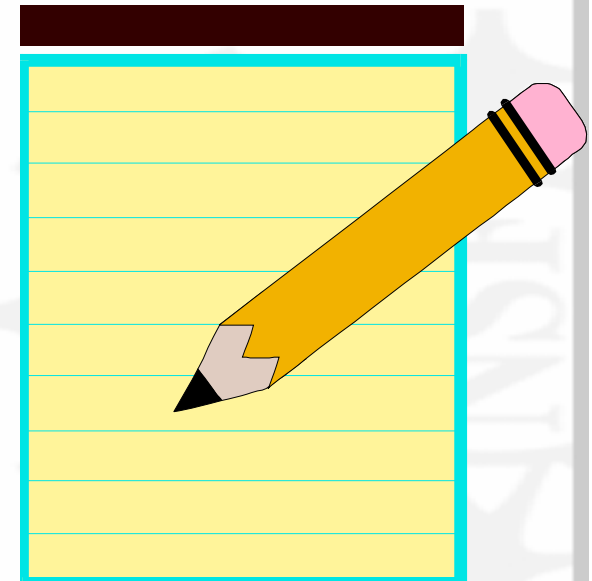
Program Income, cont'd

Two types:

- Research Grant
  - Must be received or accrued during the period of the award;
  - added to the funds committed to the project by NSF; and
  - used to further project objectives (GC-1)
- Conference or Workshop Grant
  - No time limit on income;
  - income used to offset NSF contribution (FL-26)

Program Income Review

- Segregable
- Accountable
- Comply with the rules
- Reasonable use

What We Found

- Unreported
- Spouses
- Liquor
- Unnecessary items
- Federal employees
- Grantee employees
- Excessive travel
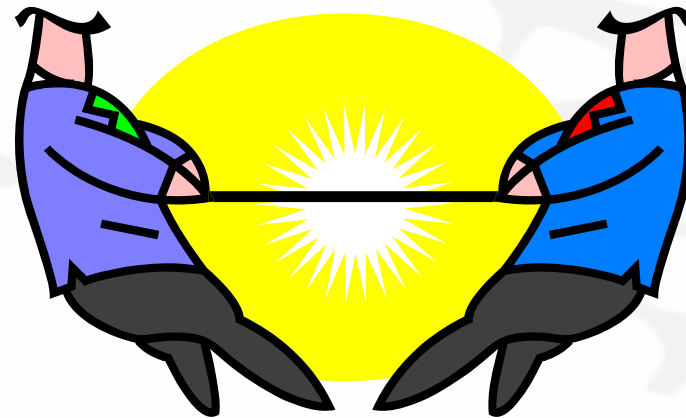- "Stipends"

Conflict of Interests

Institutional and Personal

Process managed by Institution

Ensure:

- knowledgeable disclosures
- objective review by trained staff
- incorporation with other review procedures
- disclosure of unmanaged situations to NSF
- Audit for compliance; conduct proactive reviews

Subrecipient Monitoring

Key Points

- No significant part of the research or substantive effort under an NSF grant may be contracted or transferred without <u>prior</u> NSF authorization

- The grantee shall submit
  - a clear description of the work to be performed;
  - the basis for selection of the subawardee (except for collaborative/joint arrangements); and
  - a separate budget for each subaward

Key Points, cont'd

- NSF authorization will be by an amendment to the grant

- Grantees shall ensure that the following articles flow down to all subawardees:
  - Articles 5, 7, 9, 10, 11, 12, 17, 18,19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 34, 36, 37, 38, 39 and 40.

Key Points, cont'd

- Grantee must have an effective system for monitoring subrecipients – a "risk based approach"
  - program complexity, dollar amount, percentage passed through
  - subrecipient (contract) vs. vender (purchase order)
  - nature of deliverable (a thing, research, a service)
  - fixed price vs. cost reimbursement
  - type of subawardee

Key Points, cont'd

- Grantee must
  - have Technical, Financial, and Compliance reviews
  - comply with A-133 subpart (c) section 300 for Awardee
  - comply with A-133 subpart (d) section 400 for Subawardee
  - comply with A-110 parts 40-48 on responsibility of Prime

Remember:

- Internal controls
- Advise subrecipients of Federal & contractual requirements
- Monitor subrecipients to ensure compliance and to achieve performance goals
- Ensure policies and procedures are in place for staff managing contract or subaward
- Ensure A-133 audit reports are received
- Follow-up and take corrective action

Effort Reporting

General Rules

- Total compensation is reasonable and not included as indirect costs
- Academic-year salaries are based on regular compensation
- Outside academic-year salary may not exceed base salary divided by the number of months in the period for which the base salary is paid
- Summer salary may not exceed two-ninths of the academic-year salary aggregated over all NSF awards
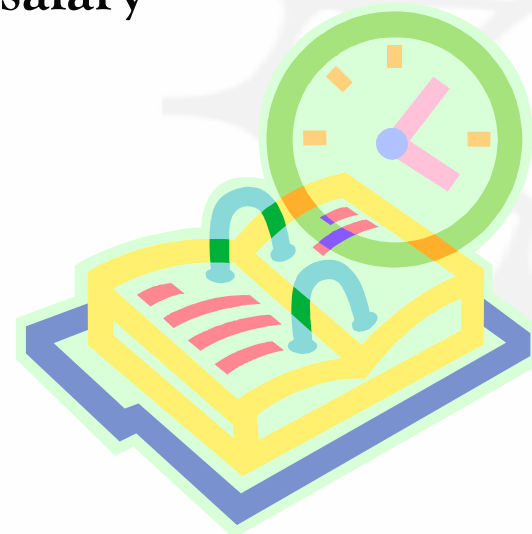
More Rules

- Extra compensation above base salary only for education projects where specifically approved by NSF

- Sabbatical leave salary must be approved by NSF and be
  - proportional to the service rendered;
  - in accordance with established institutional sabbatical policies
  - may not exceed the individual's base salary

Remember:

- Current and Pending Support
- Summer Salary
- No one can work more than 100% of their time
- Must conduct an after-the-fact certification
- Two signatures (individual and reviewer)
- No whiteout

Participant Support

Participant Support Costs

- Direct costs for items such as stipends, subsistence, travel allowances, and registration fees for:
  - participants (but not employees) attending meetings, conferences, symposia, or training projects
  - non-NSF Federal employees when funds do not duplicate parent agency funding
  - dissemination and sharing of research results and publication / distribution of grant materials

Stipends, Per Diem, or Subsistence Allowances

- Are:
  - limited to the days of attendance plus actual travel time by the most direct route available
  - reduced if registration covers food
- Are not for:
  - per diem or similar expenses for local participants in the conference
  - trainees who are receiving compensation from other Federal sources
  - NSF employees

Caution:

- Funds may not be used for other purposes without
  - specific
  - prior
  - written

  approval of the cognizant NSF PO
- Awardee must separately account for participant support costs

Travel

Travel Costs

- Authorized costs include
  - Transportation
  - Lodging
  - Subsistence and related items

- For
  - project personnel
  - outside consultants on project-related travel

Travel Costs, Cont'd

- Foreign travel costs of dependents can be allowable if consistent with grantee policy and sponsor is
    - full-time, key and essential to the research
    - away for six months or more
- The difference between economy airfare and a higher class airfare is unallowable
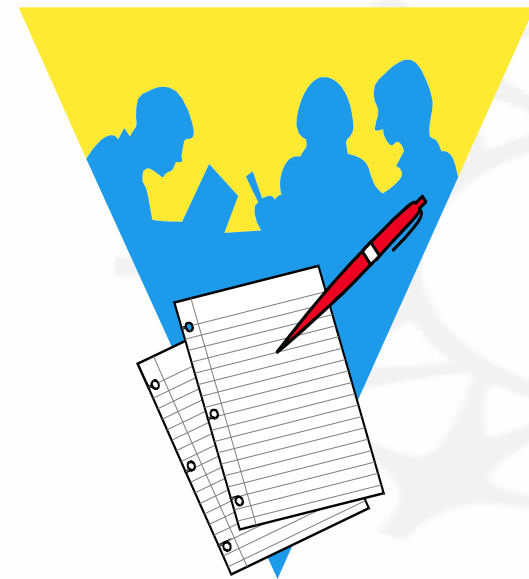- Travel must be consistent with Fly America Act

Signature Responsibilities

Proposal Signatures

- Compliance with award terms and conditions

- Accuracy and completeness of statements

- COI Policy

- Drug-Free Workplace

- Debarment and Suspension

- Lobbying (proposal >$100,000)

Certification for Authorized Organizational Representative or Individual Applicant:

By signing and submitting this proposal, the **individual applicant or the authorized official** of the applicant institution **is: (1) certifying that** statements made herein are **true and complete to the best of his/her knowledge;** and (2) agreeing to accept the obligation to **comply with NSF award terms and conditions** if an award is made as a result of this application.

Willful provision of false information in this application and its supporting documents or in reports required under an ensuring award is a criminal offense (U. S. Code, Title 18, Section 1001).

In addition, if the applicant institution employs more than fifty persons, the authorized official of the applicant institution is certifying that the institution **has implemented a written and enforced conflict of interest policy** that is consistent with the provisions of Grant Policy Manual Section 510; that to the best of his/her knowledge… . . .

Debarment Certification
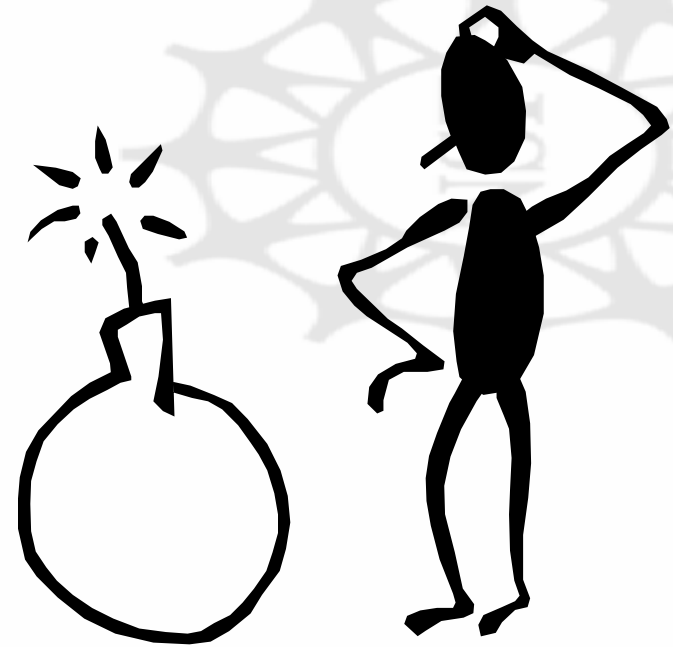
Certification Regarding Lobbying

Certification for Contracts, Grants, Loans and Cooperative Agreements

AUTHORIZED ORGANIZATIONAL REPRESENTATIVE SIGNATURE DATE

No Problems?

"Well, I'm in the clear. I certainly
didn't KNOW that certification
was false when I signed it."

Knowing and knowingly defined:

1) "acts with actual knowledge of the information";

2) "acts in deliberated ignorance of the truth or falsity of the information"; or

3) "acts in reckless disregard for the truth or falsity of the information."

4) And, no proof of specific intent to defraud is required.

31 U.S.C. 3729(b)

Examples of Misused Funds

- (1)   Grant Fraud
- (2)   Embezzlement
- (3)   Multi-Agency Fraud
- (4)   False Certifications
- (5)   Overcharging Grants

Remember – It's a Partnership

- Together, we conduct or support the research enterprise.
- We share a common goal of successful research.
- Money wasted, misspent, lost, or stolen is money that cannot be directed at the research enterprise.
- We encourage you to foster an environment of integrity and solicit your support in ensuring NSF grant funds are properly obtained, managed, expended, and reported.

Questions

Research Misconduct

- What it is
- Process of investigation
- Prevention
- Case studies

Federal Government Policy on Research Misconduct

- Office of Science and Technology Policy coordinated Federal Policy for addressing Research Misconduct

- Contains definition and guidelines for procedures

- Defines misconduct as Fabrication, Falsification, and Plagiarism

  - violation of peer review

  - defines "research" and the "research record"

- All Federal agencies that support internal or

Common Features of Federal Policy and NSF Regulation

- Discrete, separate phases: inquiry, investigation, adjudication, appeal

- Reliance on community-based standards ("serious deviation" or "significant departure")

- Partnership with institutions

- Level of intent and standard of proof

- Confidentiality for subjects and informants

- Fair, accurate, timely, fact- and document- based process

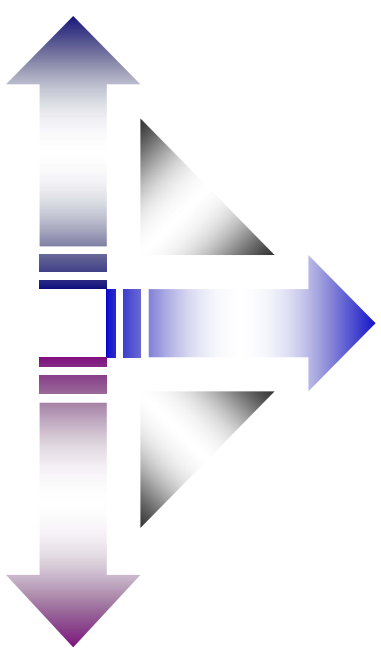- Similar actions to protect Federal interests

Steps in Handling Allegations

Step	Time-frame Targets	
1. Receipt		
2. Inquiry	90 days - OIG	90 days - Awardee
3. Investigation	180 days - OIG	180 days -Awardee
4. Adjudication	120 days - NSF	
5. Appeal	30 days - NSF	

What steps does your policy describe?

❋ Case may close at any step

❋ Referral:
   Awardees - 88% of investigations
   66% reports accepted

❋ Provide on-site assistance

Factors Considered in Making Recommendations

Based on an evaluation* of:

- 🗐 scientific community's assessment
- 🗐 seriousness
- 🗐 intent
- 🗐 evidence of a pattern
- 🗐 involvement of other awards or agencies

* using a preponderance of the evidence

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Procedural Considerations

🗐 **Administrators**

- ❑ Confidential independent process
- ❑ FOLLOW INSTITUTION POLICY
- ❑ Notify OIG WHEN initiate an investigation
- ❑ Fair, accurate, timely, objective and thorough review
- ❑ Careful documentation
- ❑ OIG provide assistance
- ❑ Presumption of innocence
- ❑ Integrated policies for investigation, adjudication, appeal, grievance
- ❑ Free of inappropriate bias and conflict
- ❑ FOIA and Privacy Act considerations

Procedural Considerations (con't)

❏ **Informants**

  ↖ Confidential Review

  ↖ Fair, objective assessment

  ↖ Inform involved individuals of case resolution

❏ **Subjects**

  ↖ Confidential review

  ↖ Ask first for information

  ↖ Defer investigations to awardees ➟ Assessment by peers

  ↖ Multiple opportunities to provide input

  ↖ Independent adjudication

  ↖ Inform involved individuals of case resolution

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Preventing Misconduct

- Education
  - Support
  - Mentorship
  - Who's most vulnerable?
- Seminars, incorporate in courses
  - Definition of misconduct in science
  - Expectations for ethical conduct
  - Case studies or talking head
- Clarify Collaborations
- Consistent and fair enforcement

Case Studies

- 1. Misrepresentation of Publication Status
- 2. Plagiarism and Violation of Peer Review
- 3. Seeking Funding for Complete Research
- 4. Fraudulent Data
- 5. Misrepresentation of Credentials