

# Investigations

In this semiannual, we present an overview of significant investigative activities, including cases, special projects, and interactions with this agency and others. Our efforts are focused on improving and enhancing the integrity of NSF's systems and processes, and helping ensure that NSF conducts business with responsible individuals and entities. We investigate allegations of wrongdoing involving individuals and organizations that receive funds from, submit proposals to, review proposals for, conduct business with, or work for, NSF. If we determine that wrongdoing occurred, we assess the seriousness of the matter and either recommend administrative action by NSF



Joseph Pinto, an OIG Investigator, assisted in the recovery efforts at the Pentagon.

management or refer the case to the Department of Justice or other prosecutorial authorities for criminal prosecution or civil litigation.

Information for OIG investigations comes from many sources. NSF officials, grant recipients, private citizens, and staff from government agencies often refer tips or other information. Another source is our Hotline, a toll free number that provides anonymity and direct access to OIG staff. We may also be contacted by e-mail at [oig@nsf.gov](mailto:oig@nsf.gov) to notify our office of any wrongdoing related to NSF processes, funds, or projects.

HIGHLIGHTS	
<i>Administrative Investigations</i>	34
<i>Civil and Criminal Investigations</i>	41
<i>Improvements in the Investigative Process</i>	44
<i>Overview of Case Activity</i>	46

## Administrative Investigations

### Findings by the Deputy Director

#### NSF Concludes Computer Scientist Committed Plagiarism

In our September 2000 Semiannual Report (page 25), we discussed the case of a computer scientist at an Illinois public institution who plagiarized material from a conference proceedings into an NSF proposal. Consistent with our recommendation, NSF's Deputy Director issued a finding of misconduct in science. NSF determined that the actions of the institution were adequate to protect the Federal Government's interests. The actions included a letter of reprimand, a one-year suspension from applying for external grants, withdrawal of all pending proposals, and ethics training, followed by a one-year requirement that the subject obtain approval of his department chair on new proposals. NSF also required the computer scientist to submit written certifications and assurances that any new documents submitted to NSF over a one-year period did not contain plagiarized material.

## Administrative Investigations Forwarded to the Deputy Director

### Plagiarized Material in a Small Business Innovation Research Proposal

We received an allegation that a scientist employed by a small business in Ohio plagiarized material into a proposal he submitted to NSF under the Small Business Innovation Research (SBIR) program. We asked the scientist for an explanation of why text and figures in his proposal were substantially identical to those in six source documents. In response, he stated that five of the documents were published by members of his former research group. He said that when he prepared the proposal, shortly after leaving the group, he felt as though he was still part of the group. He characterized his failure to properly cite the sixth document as careless.

The president of the small company provided us with copies of two other proposals submitted by the scientist to other Federal agencies within 2 months of the submission of the scientist's NSF proposal. We observed that the scientist copied

some of the same plagiarized text contained in his NSF proposal into these two proposals without attribution. We also noted that several figures in the two later proposals, which had been properly attributed in his NSF proposal, were not cited appropriately.

In our view, the subject's argument that he could use published material from his former research group without attribution is inconsistent with the ethical standards of the research community. We recommended that NSF find the scientist committed misconduct in science, send him a letter of reprimand, and require for a period of 2 years that he submit certifications and assurances to OIG that any documents he submits to NSF contain no plagiarized material.

## Failure to Comply with Certification Requirements

In our September 1997 (pp. 36-37) and March 1999 (p. 19) Semiannual Reports, we described a case in which the Deputy Director found that the subject committed misconduct in science when he seriously misrepresented his research progress and capabilities in proposals submitted to NSF. The Deputy Director required the subject to provide detailed certifications and assurances to OIG for 2 years starting in April 1999, in connection with any proposal or report submitted to NSF.

In the course of reviewing compliance with these requirements, we learned that the subject failed to provide certifications or assurances for a proposal he submitted in August 1999, for a request for Research Experiences for Undergraduates funding submitted in March 2000, and for a research proposal submitted in July 2000. In response to our request for explanation, the subject stated his belief that the certifications and assurances were only required for full research proposals, and then only after they were approved for funding. He also complained that nobody at NSF reminded him to provide the certifications and assurances.

We believe that the Deputy Director's letter informing the subject of the certification / assurance requirements was unambiguous. The most important purpose of a certification / assurance requirement is to compel the subject to exercise greater deliberation and care in the preparation of his proposals, and then to engage either his department chair or dean to evaluate the veracity of the substance of those

proposals. These actions can only be meaningful if they occur before the proposals are submitted. Moreover, NSF staff were not in a position to provide reminders: certifications and assurances are sent directly to OIG, a process that helps ensure that past findings of misconduct are separate from NSF's merit review process.

We concluded that the subject's repeated disregard of the certification / assurance requirement was—like the misconduct that precipitated its imposition—knowing and deliberate. We believe that the imposition of administrative actions less than debarment in serious misconduct cases, such as this one, can only be effective if they are enforced by the imposition of significant adverse consequences when they are breached. Accordingly, we recommended that NSF debar the subject for a period of 2 years.

## Significant Administrative Cases

### Working with NSF to Resolve Animal Care and Use Issues

We received an allegation that a small college in Wisconsin violated animal care and use regulations in the course of carrying out research under NSF awards. The college lacked a Multiple Project Assurance (MPA) or an Institutional Animal Care and Use Committee (IACUC), and had arranged for a nearby university to review and approve its animal care and use protocols. However, we found that the college's administration did not have a clear understanding of the IACUC approval and oversight process or Federal regulations governing animal care and use in research, resulting in several minor violations of the vertebrate animal care and use regulations. (There was no evidence that the violations resulted in harm to the animals.)

This situation was brought to the attention of our office by the NSF program director of the managing program. After reviewing documents from both institutions, we determined that on-site inspections, required by NIH guidelines, had never been performed. We then met with NSF management, including NSF's animal care and use representative, to discuss the best course of action to assist the college in attaining compliance.

NSF's animal care and use representative briefed college officials on the rules and regulations governing animal care and use. Concurrently, NSF suspended the use of animals under the grant for 30 days while the college convened its own IACUC and conducted a facilities inspection. The results of these corrective actions were

sent to the NSF animal care and use representative and our office. Upon NSF's approval of the IACUC-approved animal care protocol, the IACUC membership and proceedings, and the inspection report, the animal activity under the grant was reinstated.

OIG conducted a follow-up visit to the institution, where we interviewed several faculty members and inspected the research facility. We found no deficiencies and concluded that the institution was in compliance with Federal animal care regulations.

## University Finds Complainant Guilty of Misconduct

Although the majority of misconduct allegations are made in good faith, complainants sometimes make bad faith allegations. One such case recently occurred at a Texas public university.

The university had conducted an inquiry and concluded that an apparent instance of plagiarism required investigation. Because the subjects' work had been supported by NSF, the university notified us. The inquiry found that two publications by different authors—the subjects and complainant, respectively—contained substantially similar text and data. The authors of both publications maintained that they had collected the data, carried out the analysis, and written the articles themselves.

The university investigated and found that the data collection, analysis, and prose in dispute were the original work of the subjects. It found that the complainant had misappropriated the subjects' work and then accused them of plagiarizing her. The university decided to terminate the complainant's employment.

We reviewed the university report and determined its conclusion, that the subjects had not committed misconduct, was well supported by the evidence. Because none of the complainant's actions occurred in conjunction with NSF proposed or funded activities, we lacked jurisdiction over them and did not evaluate the report's conclusions regarding them.

## PI Fails to Disclose and Distinguish Between Virtually Identical Proposals

We received an allegation that a proposal, submitted to the NSF Small Business Innovation Research (SBIR) program by the president of a small company in New Hampshire, was virtually identical to a funded proposal he submitted 2 months earlier to another Federal agency. The NSF proposal cover sheet asks "Is this proposal being

submitted to another Federal agency”? In this case the president answered “No” to that question.

The president asserted the two proposals were significantly different, and he provided us with a detailed explanation of the differences in the experiments presented in the NSF proposal and the proposal funded by the other Federal agency. However, the president also admitted that the NSF proposal, which was not funded, did not adequately address the technical details associated with these differences.

We asked an expert to compare the proposals and review the president’s explanation. She concluded the two proposals were virtually identical in organization, content, and task descriptions and contained identical tables, figures, and narrative with a few exceptions. She also explained that the few differences in the NSF proposal were consistent with the president’s explanation, although the president had not done an adequate job of emphasizing the technical specifications of the NSF proposal.

We concluded the president was careless in the preparation of the NSF proposal, both in failing to disclose the prior submission of the same proposal to another agency and in failing to adequately describe the proposed research. We wrote to the president strongly recommending he be more thorough and careful in future submissions of proposals to Federal agencies to avoid similar allegations. We determined his conduct did not warrant our recommending further action by NSF. We described similar cases in previous years (see Semiannual Reports: March 1998, p. 21; September 1999, p. 26; March 2000, p. 24; September 2000, p. 28), and always urge scientists participating in the SBIR program to accurately inform NSF when they are submitting the same proposal to different Federal agencies.

## Graduate Student Alleges Theft of Ideas by Advisor

We received an allegation from a graduate student at a university in Washington, D.C., that his faculty advisor stole the student’s research work. The student also alleged that the advisor did not provide him with appropriate compensation for work he performed for an NSF-supported project. Since the university had already initiated an inquiry into the student’s complaints, we deferred our inquiry and requested a copy of its inquiry report when completed.

The university inquiry committee determined that the faculty advisor had submitted two papers to conference proceedings which contained research work of the student, both listing the student and the advisor as co-authors. The student believed that publication of his dissertation research would prevent him from receiving the Ph.D. In fact, the Department expected each student to publish a paper prior to the completion of the dissertation as partial fulfillment of the degree. The student

also thought that if the acknowledgment section in a paper stated that NSF support was involved, he should receive money from that grant for work on the project. The committee noted that the student's education was supported from the institution's funds, not NSF. The committee explained to the student that acknowledgment of NSF support in a paper did not mean he received compensation.

The committee subsequently determined that the allegations were without substance. As a result of the inquiry, the institution increased its efforts to inform graduate students about issues related to common practices and misconduct in science. We concurred with the university's findings and closed our inquiry.

## Reviews Drawn From Administrative Case Experiences

We strive to aggregate information from isolated cases to develop a comprehensive, uniform approach to cases. These analyses also provide us with the opportunity to conduct a targeted review of particular NSF systems. In this period, we conducted a limited review of NSF's reconsideration process, as well as an analysis of our closed plagiarism cases. A synopsis of both efforts is described below.

## Recommended Improvements in NSF's Reconsideration Process

During this semiannual period, we initiated a review of NSF's reconsideration process. When Principal Investigators (PIs) contact us with concerns about declined proposals we inform them about the process. Because many of these PIs are unhappy with NSF's decision, we frequently advise them to determine whether they want to request reconsideration by NSF. Their decisions regarding reconsideration have no effect on our review of their complaints because our reviews are independent of NSF's reconsideration process and can proceed concurrently.

We were also interested in the reconsideration process because the FY99 NSF customer satisfaction survey indicates that PIs give the NSF review process a satisfaction rating of 58/100 (*American Customer Satisfaction Index Report on Grant Applicants FY99 for NSF*, November 2000). However, despite declining an average of 20,000 proposals, NSF receives only 40-50 reconsideration requests each year (*Report to the National Science Board on the National Science Foundation's Merit Review System Fiscal Year 2000*, NSB 01-36). We reviewed the proposals NSF reconsidered in FY2000, assessed the reconsideration process, and interviewed staff to identify areas for improvement.

We learned that only 40% of PIs who applied for reconsideration had been informed of the reconsideration process in declination letters and that some NSF staff feel that PIs are confused about the purpose of reconsideration. NSF staff stated that some PIs incorrectly assume it is an opportunity to rebut reviewer comments and provide new information. In fact, reconsideration is a substantive and procedural review of the process NSF used to make its decision and considers only the facts before NSF at the time of the declination.

NSF staff felt that some PIs consider the initiation of the process to be daunting because they are required to contact their NSF program officer first to discuss the rationale for the decline before requesting reconsideration. Some PIs contact the wrong individual to begin the process and are frustrated by their inability to gather information about the status of their request for reconsideration.

We also learned that reconsiderations are not tracked in NSF's electronic jacket system, and no relevant data is available in the Enterprise Information System.

We recommended that NSF better publicize the reconsideration process by incorporating information about it in all declination letters. We suggested that NSF improve its internal and external documentation of the reconsideration process and consider designating an NSF staff member to perform an Ombudsman function. The Ombudsman could serve as a neutral point of contact, a centralized source of information, and an effective process manager for timely and objective review of reconsideration requests. We also recommended that NSF augment its electronic data system with data on reconsidered proposals, and that it begin collecting reconsideration documentation within its electronic jacket system.

The scope of our review was limited to FY 2000 reconsideration requests. A broader review may obtain different results.

## Review of Plagiarism Cases

Individual scientists and professional societies regularly ask us for details on the scope and frequency of the plagiarism cases we investigate. Approximately 49% of all the allegations we have reviewed are allegations of plagiarism which includes verbatim plagiarism (17%), intellectual theft (23%), violation of peer review (7%) and duplicate proposal submission (2%).

The intellectual theft category, also known as plagiarism of ideas, contains the most eclectic group of allegations and are the most time consuming and difficult to prove. They encompass a broad range of potentially inappropriate behavior, including authorship disputes among colleagues, as well as disputes between mentors and



students. They also include allegations of failure to cite, or to sufficiently cite, ideas in proposals, poster sessions, the published literature, public seminars and private conversations. Many of these allegations are brought by former collaborators who feel that ideas they contributed to papers, research projects, or proposals cannot subsequently be used without permission or attribution by their former collaborators. We generally close these cases after inquiry because we find that only rarely do scientists develop a clear agreement about the subsequent use of ideas, data, and materials prior to initiating a research project. Without a specific prohibition, we generally conclude that it is accepted practice for former colleagues to make subsequent use of materials and ideas shared within a collaboration.

Among the allegations of verbatim plagiarism, we reviewed evidence that figures, text, equations, diagrams, and references have been copied without attribution. Regarding text, we reviewed allegations ranging from small amounts of scattered paraphrasing within a document, up to allegations that whole proposals have been copied verbatim. In some cases, we considered whether including a reference to a source document near or within the copied text is a mitigating factor.

Sixty-seven percent of our cases resulting in misconduct in science findings concern allegations of plagiarism. More than a third of these cases were also associated with other actions that violate community standards, including violations of confidential peer review, intellectual theft, or undeclared duplicate proposal submission. Almost half of the misconduct findings were sufficiently serious to warrant the most severe actions, which include suspension/termination of an award or debarment.

We have prepared a summary of our findings in a poster session to be presented at a national meeting and used in our Outreach and Ethics Seminars.

## Civil and Criminal Investigations

### Cases for Criminal Referral

#### Possible Fraud Under SBIR Grants

We were notified by a university in South Carolina that one of its faculty (the subject) used his university laboratory and graduate students to carry out work under an NSF SBIR grant to his wife's private company. Under the SBIR program, at least half of the work must be performed at the awardee small business. Our investigation revealed that in fact no work at all had been performed under the Phase I SBIR grant.

### Program Income Requirements Under NSF Awards

*“Program income” refers to income received by a Federal awardee that is either directly generated by the grant activity or earned as a result of the grant. It does not include (1) income resulting from patents, copyrights, trademarks, or inventions; or, except as discussed below, (2) program income received beyond the period of the award. Pursuant to NSF’s Grant General Conditions unless otherwise specified in the award, grantees are required to retain program income, add it to the funds committed to the project by NSF, and use it to further project objectives. After the awardee adds the program income to the total award amount, the expenditure of the program income is subject to the same requirements of allowability, reasonableness, and allocability as the direct Federal award funds.*

*Because of the Federal character of program income, allegations of theft or fraud involving program income can constitute violations of Federal civil and criminal laws, and abuse of Federal program income can give rise to Federal equitable remedies such as disgorgement.*

*In the case described above, the special NSF grant conditions applicable to conferences (NSF FL 26) require that fees charged to participants be applied to defray conference expenses, and that excess fees be applied to offset award funds. Because these special conditions are not limited to program income received during the period of the award, it was appropriate in this case for the awardee to offset the income against previously expended NSF award funds, and return the excess award funds to NSF.*

The final report submitted by the subject for the Phase I grant was essentially copied verbatim from a Masters thesis written by one of the subject’s graduate students before the grant was awarded. Most of the \$99,300 of grant funds were paid by the awardee to the subject and his wife as salaries, with the remaining \$20,000 paid to the subject as “reimbursement” for “supplies”.

Based on the final report for the Phase I grant, the subject submitted a Phase II SBIR proposal to NSF on behalf of his wife’s company. NSF awarded a Phase II grant to the company for \$399,892, and made the first payment of \$99,974. After reviewing the available documents and interviewing the subject, his wife, and his former graduate student, we recommended that NSF suspend the grant and it did so. The subject subsequently repaid \$198,975 to NSF, and also made an unrestricted donation to NSF of an additional \$27,500. Other aspects of this case are continuing to be reviewed by our office.

## University Returns Grant Funds Related to Program Income

A New Mexico university informed us that a professor of mechanical engineering failed to properly account for program income (conference registration fees), improperly spent NSF funds (food, beverages and holiday gifts), and violated conflict-of-interests rules (employment of a family member as a consultant) in the planning and implementation of an NSF-sponsored conference. The professor had awarded a contract to a private company owned by his wife and himself to coordinate the conference, receive the registration fees, and pay certain expenses not being paid directly by the university out of NSF grant funds. After conducting an internal audit, the subject and the university agreed on a settlement by which the subject reimbursed \$22,453.65 to the university.

After receiving the internal audit report, our office conducted an independent investigative financial review of the conference grant, focusing on the program income (see sidebar) received by the professor’s company. Of the

\$124,955 in registration fees received by the company, we questioned \$87,302.43 that should have been received by the university and applied to offset the equivalent amount of NSF grant funds. The university agreed with most of our findings and reimbursed \$63,652.42 to NSF.

## Misappropriation of NSF Grant Funds

We were informed by a Pennsylvania university that it had begun an investigation under its misconduct in science regulation. It was alleged that a professor of mechanical engineering had misappropriated a small amount of NSF grant funds for personal use, specifically for textbook purchases for a son attending the university. We informed the university that conversion of NSF grant funds to personal use was a potential civil or criminal issue, not misconduct in science. However, because of the small amount of funds involved, we deferred our investigation while the institution completed its process. In the course of the investigation, the subject acknowledged purchasing the textbooks with NSF grant funds, but claimed that he did so on the recommendation of his son to assist the subject in learning complex mathematics and new computer programming techniques. The subject voluntarily reimbursed the university for the questioned expenditures, which the university credited to the NSF grant.

## Computer Intrusions

### OIG-Computer Incident Response Team (CIRT)

At NSF's request we responded to two computer intrusions during this period. We attended training and joint agency meetings to improve our skills and ensure our abilities to coordinate our CIRT efforts with other agencies.

The intrusions both involved "graffiti hacks," in which the hacker replaces a website's default home page with another page, usually declaring that the site has been hacked. There was no evidence in either case of harm done to other files, and the server was again online after a short time. In both cases, NSF CIRT procedures were followed and an incident report was filed with the Federal Computer Incident Response Center (FedCIRC).

We also learned of an incident in which data had been deleted from an internal NSF server, temporarily preventing approximately a dozen users from using NSF's internal systems. A contractor that NSF utilizes for computer forensics, NetSec,

completed a scan and review of the database involved. Although the cause of the corruption remains unidentified, NetSec concluded that the data deletion was an error and not intentional or malicious.

## Improvements in the Investigative Process

### Inclusion of NSF Under the Program Fraud Civil Remedies Act

An NSF legislative priority that we have supported since the inception of our office is amending the Program Fraud Civil Remedies Act (“PFCRA”) to include NSF. (See Semiannual Reports: March 1990, p. 24; March 1991, p. 42; September 1992, p. 31; March 1993, p. 35; and March 1994, p. 42). Currently, PFCRA does not cover NSF because it authorizes only a government “authority” to bring an action, and “designated federal entities” such as NSF are not included in PFCRA’s definition of “authority”. However, we believe that PFCRA is well-suited for resolving disputes between NSF and its grantees and contractors involving fraudulent claims because the dollar amounts at issue often fall within PFCRA’s jurisdiction over claims of less than \$150,000.

In a number of cases, including some currently under way, NSF might have used PFCRA to seek double damages for fraudulent expenditures. We again urge Congress to consider legislation to effect this change.

### Training and Process Improvements

In order to more effectively pursue allegations of fraud, waste and abuse referred to the OIG, we combine the perspectives and expertise of the various disciplines represented in our office, including investigative scientists, investigative attorneys and criminal investigators. We continuously seek training opportunities that will help our staff develop the skills to work in these multi-disciplinary investigative teams. Similarly, we strive to improve the tools and processes with which our staff work. Some of our recent training and administrative initiatives include:

#### *Audit Training for Investigators*

In June, our investigative staff attended training at the Inspectors General Auditor Training Institute in Fort Belvoir, Virginia. The five-day course was titled, “The Audit Process: An Overview for Non-Auditors.” Our objective was to provide investigators with an understanding of how auditors plan their work, assess

evidence, and report their findings. The end result was a greater understanding of how to enhance our use of audit expertise in investigations.

#### *Grant and Contract Fraud Training*

In August, we hosted a three-day training program on procurement, contract and grant fraud provided by the Inspector General Criminal Investigator Academy. Attendees included investigators and auditors from our office as well as the FBI, NASA-OIG, Interior-OIG, EPA-OIG, NEA-OIG, and HUD-OIG.

#### *Development of Grant Fraud Indicators*

We created a checklist of possible grant fraud indicators for use by auditors and investigators to enhance our ability to detect grant fraud by identifying and knowing its risk factors. The checklist is drawn from a wide variety of sources, including accounting rules, statutory law and the experience of auditors, attorneys and criminal investigators. The grant fraud indicators checklist will enable us to better fulfill our mission of promoting economy, efficiency, effectiveness and integrity in NSF programs. We hope to share this work product with other Federal agencies that investigate grant fraud, in order to create a shared resource useful to various members of the IG community.

#### *Records Retirement*

In December 1998, the National Archives and Records Administration (NARA) withdrew General Records Schedule (GRS) 22, which regulated the retention and disposal of all audit and investigative files compiled by all Offices of Inspectors General, including NSF's OIG. We submitted a Request for Records Disposition Authority to NARA to classify our audit and investigative files, as well as records pertaining to policies and procedures, for retention and disposition. We are awaiting action by NARA. In the process of surveying other OIG offices, we learned that we were not alone in having been unaware that NARA had withdrawn GRS 22. Our office is ready to provide assistance in the drafting of a Request for Records Disposition Authority to any Federal OIG without a current records retention policy.

#### *New Hotline Procedures*

The OIG Hotline (800-428-2189) is monitored by our Administrative Officer (AO), who either takes the information or transfers the caller to another member of the IG staff. Our AO attended training at the Federal Law Enforcement Training Center on how to handle such calls. An OIG Hotline Intake System was recently established to ensure consistent handling of hotline calls. Now any IG staff member who receives information from a Hotline call records the information directly into a database, which is monitored so that the information can be forwarded to the appropriate staff for action.

## Overview of Case Activity

### Summary of Case Activity for this Period

We receive allegations of wrongdoing from a variety of sources, including NSF staff, merit reviewers, researchers, graduate students, and institution officials. We review each allegation we receive for substance, including those we receive anonymously, and classify them as either Preliminary, Administrative (which includes misconduct in science), Civil/Criminal, or a newly added category this period, Computer Incident cases. Preliminary cases are generally closed within two months, referred to management for resolution, or, if supported by sufficient evidence, converted into Administrative or Civil/Criminal cases. Computer Incident cases, such as intrusions, are handled separately.

We received 73 allegations in this semiannual period. Of these, 42 were initially classified as Preliminary, 15 as Administrative, 11 as Civil/Criminal, and 5 as Computer Incident cases. We closed 37 Preliminary cases after determining there was insufficient evidence to warrant opening an Administrative or Civil/Criminal case. We closed 8 Preliminary cases that were converted into Administrative (4) or Civil/Criminal (4). We also closed five Computer Incident cases this period.

### Administrative Cases

The majority of our Administrative cases involved allegations of misconduct in science. Under our misconduct in science regulation, cases can involve three steps: inquiry, investigation, and adjudication. An inquiry consists of initial information gathering and fact finding to determine whether the allegations are substantive. If we find that an allegation lacks substance, we close the case. If we determine that an allegation has substance, we initiate an investigation. If, after investigation, we believe misconduct in science has occurred, we send a recommendation to NSF's Deputy Director for adjudication.

We closed 17 Administrative cases at the inquiry stage this period. These cases involved subjects at public colleges and universities (14), private universities (2), and private industry (1). The primary allegations in these cases included intellectual theft (12), false statements or other misrepresentations (3), and animal care violations (2). We contacted the subject in 10 of these cases and we requested an expert's opinion in 1 case.

We closed one Administrative case after investigation. NSF's Deputy Director made a finding of misconduct in science in this case and took action consistent with

our recommendations (p. 34). In other Administrative case actions this period, we deferred five inquiries to grantees and forwarded results of two investigations to NSF's Deputy Director for adjudication (pp. 34-36).

## Civil/Criminal Cases

We closed nine Civil/Criminal cases that involved possible violations of Federal laws, specifically, false statements (4) and embezzlement or theft (5). We also referred three cases to the Department of Justice for prosecution.

## Computer Incidence Cases

We closed 5 Computer Incident cases this period that involved computer intrusions (3) and other issues (2).

## Freedom of Information Act and Privacy Act Requests

Our office has the responsibility to respond to requestors who ask for information contained in our files under the Freedom of Information Act ("FOIA", 5 U.S.C. § 552) and the Privacy Act (5 U.S.C. § 552a). Requestors not satisfied with our response can appeal to the General Counsel of NSF. Certain FOIA requests are subject to fees as described in NSF's FOIA regulation at 45 C.F.R. § 612.10.

This reporting period, we received seven requests and we responded to five (reply dates for the other two are due after September 30, 2001).

## Preliminary Case Activity

Over the past year and a half we have been working to streamline our investigative processes and develop a more uniform approach to assessing administrative, civil, and criminal allegations. On receipt of an allegation, we first assess the nature of the evidence supporting the allegation and whether the issues are predominantly Administrative or Civil/Criminal. For those allegations that are accompanied by insufficient evidence to classify in either category, we created a Preliminary case phase. The objective of Preliminary case assessment is to improve our rate of allegation assessment and reduce the administrative burden on investigators. Unlike



Administrative and Civil/Criminal cases, Preliminary cases may be closed with a diary note from the investigator and are not subject to extensive management review. Investigators assigned Preliminary cases are expected to gather sufficient evidence from the complainant within 2 months to close the matter, refer the matter to NSF management, or reclassify the case as Administrative or Civil/Criminal. Conversion of Preliminary cases to Administrative or Civil/Criminal cases is accomplished by reviewing the evidence and rationale for conversion with the case supervisor.

The table below displays our processing of Preliminary cases over the last three semiannual periods.

Semiannual Period	Closed Preliminary Cases	Management Issues	Administrative Conversions	Civil/Criminal Conversions	Insubstantial Matters
Sept. 2000	19	4	4	2	9
Mar 2001	34	7	1	3	23
Sept. 2001	45	9	4	4	28
Totals	98	20	9	9	60

We view the preliminary process of assessing allegations that are weakly supported by the evidence, or for which we may have questionable jurisdiction, as a valuable addition to our investigative portfolio. In the past year and a half, we have closed 98 in Preliminary files. We determined that approximately 61% were not supported by sufficient information to proceed further or we had no jurisdiction over the issues, 20% were management issues that were forwarded to the appropriate office, and only 9% were Administrative or 9% Civil/Criminal issues. While it takes us approximately 6 months to assess and resolve a typical Administrative case, it takes us approximately 2 months to review and process the typical Preliminary case (the complications of assessing the allegations in a few cases caused longer processing time). The Preliminary case system has reduced the bureaucracy associated with case management, enabled investigators to appropriately focus on more serious matters, and allowed us to accurately track all of the allegations we review and to which we devote investigator time.