Other Administrative Cases

Laurel L. Hester, Ph.D. and Valerie J. Hillgren, Ph.D.

Investigative Scientists

National Science Foundation
Office of Inspector General

Selected Other Administrative Case Types

In this presentation we discuss:

1 Atypical Research Misconduct (RM) Cases

2 Cases Related to NSF Personnel or Processes

3 Cases involving Institutional Review Boards or other University Committees

4 Violations of Grant Terms and Conditions

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Overview

- During the last 5 years, the RIAI division closed, on average, about 30 total cases per year.

- Typically, 10 – 25% of these cases are administrative cases involving non-research misconduct matters.

- These cases relate to a variety of laws, statutes, and NSF policies; they are rarely referred to universities.

- Semiannual reports to Congress include an Administrative Investigations section.

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Atypical Research Misconduct Cases

- The research record includes:
  - All parts of a proposal
  - Annual Reports
- Examples:
  - Falsified Support Letters
  - Falsified Current and Pending Support
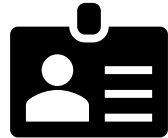 - Falsified IRB Documents
  - Falsified Annual Reports
- Depending on the seriousness, could be criminal

Cases Related to NSF Personnel or Processes

NSF Employee Misconduct

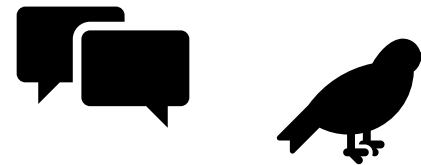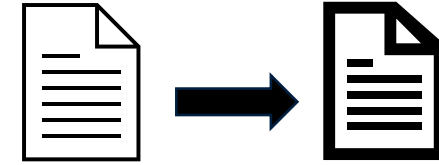- Rotating personnel conflicts of interests

- Quid pro quo

NSF Process Violations

- Merit review process specifies confidentiality

- … and disclosure of any conflicts of interests

- Panelists agree to conditions

Process Violation Examples

- Material copied from confidential proposal
  - Paper plagiarized from declined proposal?
  - Proposal plagiarized from reviewer's proposal at another agency?
  - Proposal plagiarized from another NSF proposal?
- Reviewer asks students to review assigned proposals
- Panelist divulges panel information
- Undisclosed Conflict of Interests
  - Site visit reviewer fails to disclose business negotiations with NSF-funded center

Cases Involving Other University Committees

Universities hold primary oversight responsibility for research with human subjects, vertebrates, or biohazards

NSF-funded research involving vertebrates is overseen by Institutional Animal Care and Use Committees (IACUCs) and is governed by an NSF/NIH Memorandum of Understanding (https://new.nsf.gov/funding/research-involving-vertebrate-animals).

Institutional Biohazard Committees oversee NSF-funded research involving biohazards.

NSF is a Common Rule Signatory. Institutional Review Boards (IRBs) oversee Human Subjects Research and must maintain records accessible to authorized Federal agency representatives.
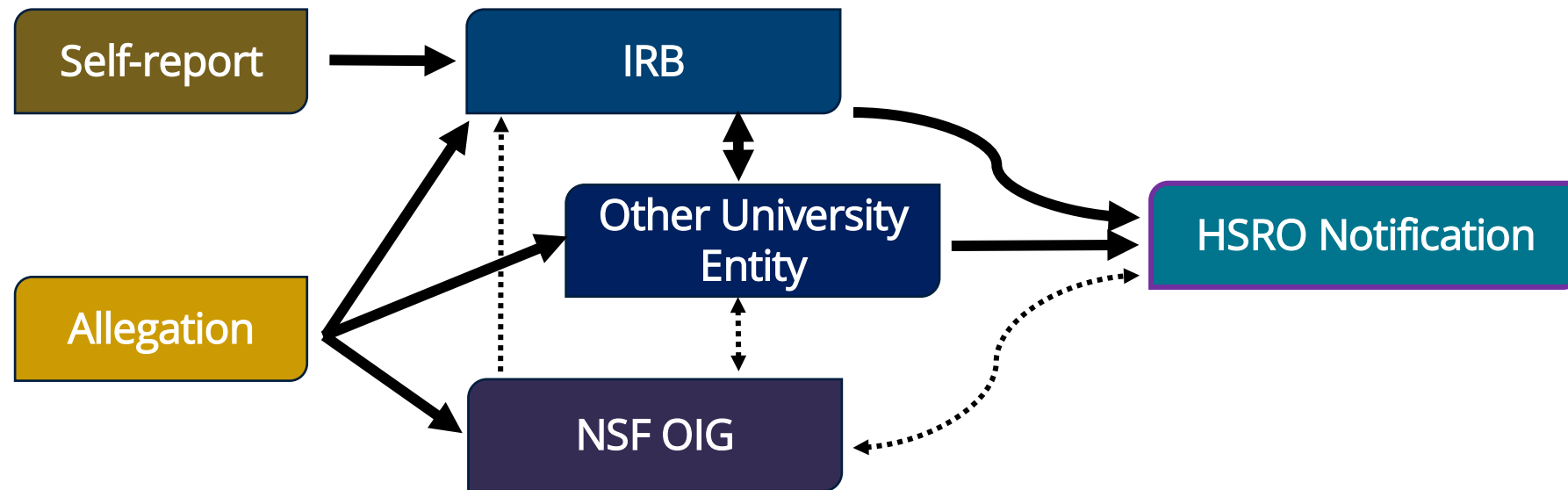
For additional information, see NSF's Proposal and Award Policies and Procedures Guide (PAPPG).

IRBs report to the funder

via NSF's Human Subjects Research Officer (HSRO)

- Unanticipated problems involving risks to subjects or others
- Any serious or continuing noncompliance with 45 CFR Part 690
- Any suspension or termination of IRB approval

Selected NSF OIG Human Subjects Cases

Allegation	Intake?	University and/or NSF OIG actions
Poor grant administration and failure to follow multiple federal regulations	Institution notice after RM inquiry	Determined mistakes were honest errors. Research suspended temporarily, affected research samples destroyed, $350,000 returned to NSF, oversight plan; OIG warning letter to PI.
Recording of non-consented individuals	Institution notice	Recordings destroyed, study suspended, corrective action plan implemented; OIG closed case since University actions were adequate.
PI did different survey work and used data that no longer met IRB exemption criteria	NSF reverse site visit flag to IRB	IRB found serious noncompliance Per University policy, also routed through RM process University corrective actions; OIG warning letter to PI.

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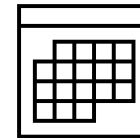
Grant Terms and Conditions Violations

Specific Grant Requirements

- CAREER grant requires tenure track PI at US institution

Grant Logistics

- False timestamp on proposal submission
- PIs must notify NSF of long-term absences from an award

Grant Fund Allocations

- Depending on the nature and severity, misallocation of funds may be handled by RIAI, the Program Integrity division, or by the Audit division

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Questions?

Presenter Emails: VHilgre@nsf.gov, LHester@nsf.gov

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