What is an OIG?

- Independent office at each federal agency for:
  - Promoting economy, efficiency, and effectiveness . . .
  - Preventing and detecting fraud, waste, and abuse . . .
    . . . in agency programs and operations.
  - Has subpoena power and full access.
  - Reports to head of agency (e.g., NSB) and Congress.
OIG works with NSF and the research community

- We investigate allegations of:
  - Fraud, waste, and abuse
  - Research misconduct
  - Violations of law, regulation, directive, or policy

- We conduct audits:
  - Financial
  - Performance

- We invest in outreach:
  - Presentations
  - Briefings
  - Publications and brochures
    - www.nsf.gov/oig/outreach_all.jsp
Who is NSF OIG?

– Accomplishes investigations mission through:
  
  – Criminal and Civil (e.g., false claims, false statements, embezzlement).
  – Research Integrity and Administrative (e.g., regulatory and policy violations, personnel matters, etc).

**Where does research integrity fit in?**

OIG is delegated the responsibility for investigating research misconduct allegations involving NSF programs.

– Unique among the IG Community in that only IG with staff dedicated to addressing these allegations
RCR Review

• 50 institutions randomly selected
  – Small-large, public-private
  – Reviewed plans, interviews
• Several did not have a plan in place
• Most plans had CITI online as the cornerstone
  – Some institutions have F2F training but not required for NSF supported students
  – Was CITI designed to be a stand alone system?
  – Many students indicate CITI is out of context and wish they had F@F to augment.
Trends

• Number of substantive allegations remains static, above 10 yr avg
• Plagiarism vs data fabrication/falsification
• Graduate student data fab on the rise – 40+ cases in last 5 yrs
• Static slope on the number of RM findings by NSF—pipeline limits
• Continue to see violations of peer review confidentiality
• Continue to see false statements in contents of proposals/annual reports
  • Falsification of letters of support
  • Puffery of publications and other accomplishments
• IRB violations
  • Multiple IRB approvals fabricated
  • Other violations have resulted in >$2M of grants terminated
Why the Increase in RM?

- Technology
- High profile cases
- RCR Training
- Competitive funding environment – create a positive results at all cost perspective?
- Mentoring – does it still exist?
  - Cycle of success – is there a limit to how many students a PI can effectively mentor?
Is the culture changing?

• Culture shift?
  – 75-85% of high school students admitted to cheating
  – 50-60% of undergraduates admitted to cheating
  – 30% of researchers admitted to “questionable practices”

• Is David Brooks Right?
  – Adam I vs Adam II
    • External Success vs Moral qualities->meaning of life
  – Moral realism
    • Conquering self, vocation, dedication to a cause bigger than self, self sacrifice, loyalty, sense of right and wrong
  – Moral romanticism/relativism
    • Self esteem, trusting self, feelings, pride, feel good=doing right, being true to oneself, The Big Me
If so, what might be future impact?

• Dominance of realism and relativism
  – Unitas vs Namath
  – Result is loss of a moral vocabulary
    • More individualistic; decline in use of words like character, conscience, virtue, bravery, humbleness, gratitude

• KP – every apple has the potential to go bad
  – Moral realists, those at risk, bad apples
  – Will the at risk group grow if Brook’s assessment is accurate
    • If so, what are the implications for RCR
History of NSF and Retractions

• Limited
  – Most cases retractions made before agency action
  – Usually endorses retraction recommendation from University
  – Will independently direct retractions if appropriate
    • Onus is placed on subject of to execute
    • Unclear if NSF would contact journals directly
      – Privacy act
Privacy Act

• Establishes a Code of Fair Information Practice

  – systems of records by federal agencies
  – governs collection, maintenance, use, and dissemination of personally identifiable information
  – prohibits disclosure of information from the system of records absent the written consent
  – Gives individuals right to sue if PA is violated

VERY PERTINENT to administrative processes like RM investigations
Privacy Act

• Exceptions
  – To agency employee to do his/her job
  – FOIA disclosure
  – Census Bureau
  – For statistical reporting (no PII)
  – To NARA
  – To a law enforcement agency
  – Compelling health/safety issue
  – Congress
  – Comptroller General for GAO duties
  – Court Order
  – Consumer reporting agency
  – **Routine use**
The Tension it Creates

Public Need to Know  Personal Right To Privacy
Retraction and RM Tension

Journals

Want to know about retraction actions
Hesitant to refer allegations

Gov’t

Have a need to protect privacy
Need to protect the fisc and the federally funded research enterprise
Twin Brothers of Different Mothers

- Investigations vs Investigative oversight
- LE authority
- Education and outreach
- VEs or ALJ vs Adjudication by agency
- Different interpretations of Privacy Act??
Trends in Transparency

• Original reading room had closeouts w/ROIs and adjudication docs attached
  – Debarment cases did not have subject’s name redacted

• OIG begins to review routine uses
  – All cases redacted

• More recently
  – Move to write more expanded closeouts but not append ROIs to the closeout
    • ROI is our product but adjudication is NSF
    • No longer inform complainant of case number and that closeout is posted
Case Study

• High profile case with publically vocal complainant
  – University does not make RM finding but finds concerns
    • One committee member voted for a finding
• NSF/OIG investigation concludes that RM did occur
  – Recommends NSF make a finding and mandate certs/assurances
• NSF decides the acts do not meet the state of mind (intent) standard for RM
  – However, they do require PIs to “correct” the record or never receive NSF funding
    • NSF to approve the language
  – Journal gets enough public information that it decides to retract.
    • Odd twist: NSF restriction no longer in place
Case Study

- As a part of peer review, journal receives allegation
  - Journal turns over allegation to PI/co-author

Is this this logical thing to do? What are the potential impacts?
Case Study

• As a part of peer review, journal receives allegation
  – Journal turns over allegation to PI/co-author
  – PI does his own investigation
    • Sends email blast to entire dept, Chair and Dean with findings
  – Dean contacts RIO
    • What has PI’s actions done to “due process”?
Strengthening the Triad

- Journals
  - Important to pass allegations to RIOs and funding agency
  - Respond quickly to retraction requests

- Funding Agency
- Universities
- Routine Uses
- Funding leverage
- As employer has immediate leverage
A Few Stray Cats

- Ferric & Adam on the criminalization of RM
- Comment about scientists, cherry picking and sticking to a belief -- trying to solve
  - Students who tell us that mentor’s actions led to their RM
- KP: Informal intervention to nip in bud......Is this not mentoring?
- Best practices from RCR interviews
  - Weekly lab meetings with ethical dilemma discussion
  - Significant finding that is foundation of new article is replicated independently
- Bad lab environment, but PI can’t be found guilty of RM.
  - University RM policies are not limited
- NSF/OIG more concerned in protecting the fisc
How would a declining favorable impression of publically funded research impact Congress in an age of increasing interest rates and/or increasing mandatory spending?