

A few thoughts from NSF/OIG

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**Research Integrity and Administrative Investigations Unit
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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.



Council of the
INSPECTORS GENERAL
on INTEGRITY and EFFICIENCY

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
 - Uinitas 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

Gov't

Want to know about retraction actions
Hesitant to refer allegations

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

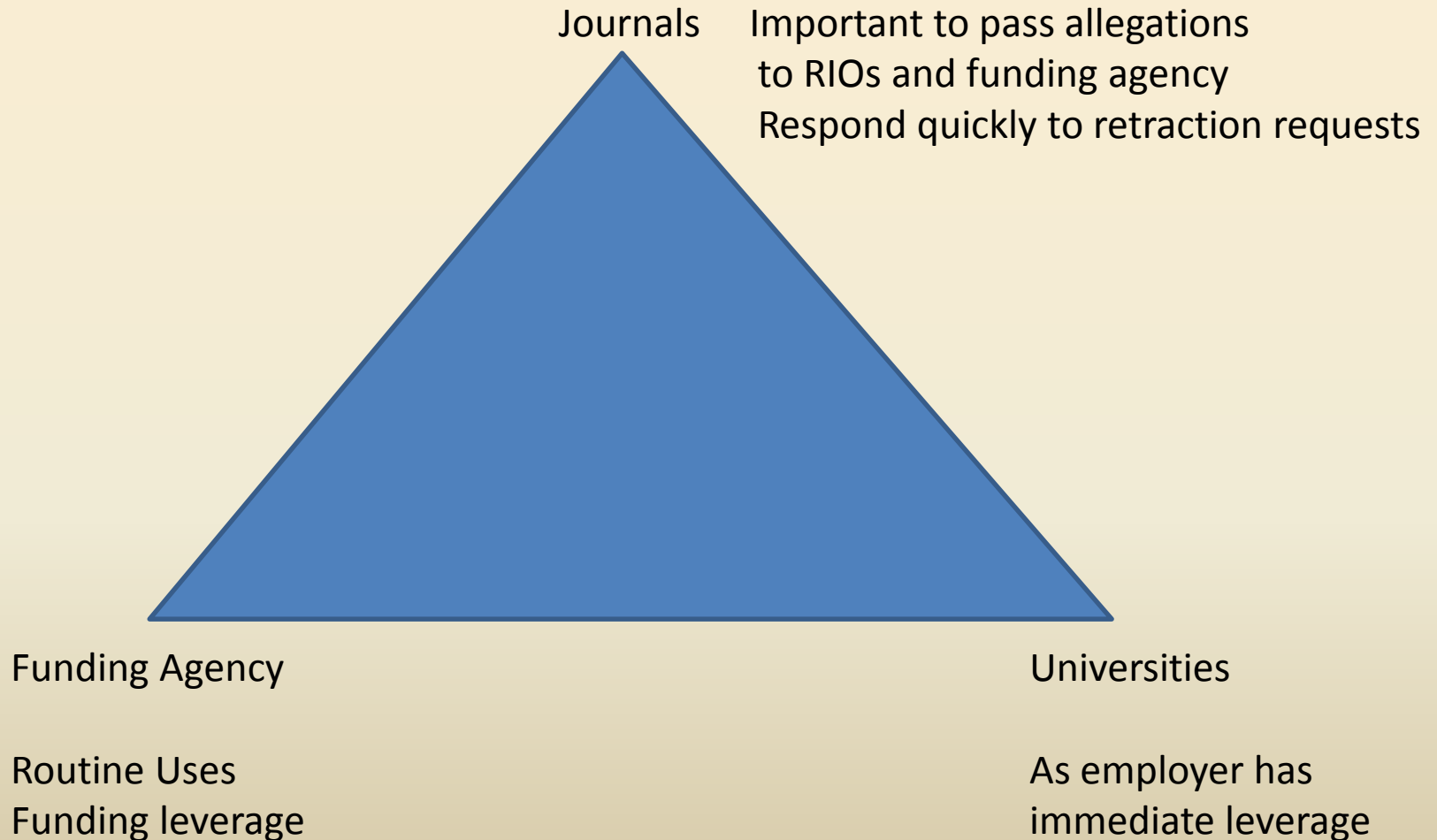
- As a part of peer review, journal receives allegation
 - Journal turns over allegation to PI/co-author

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

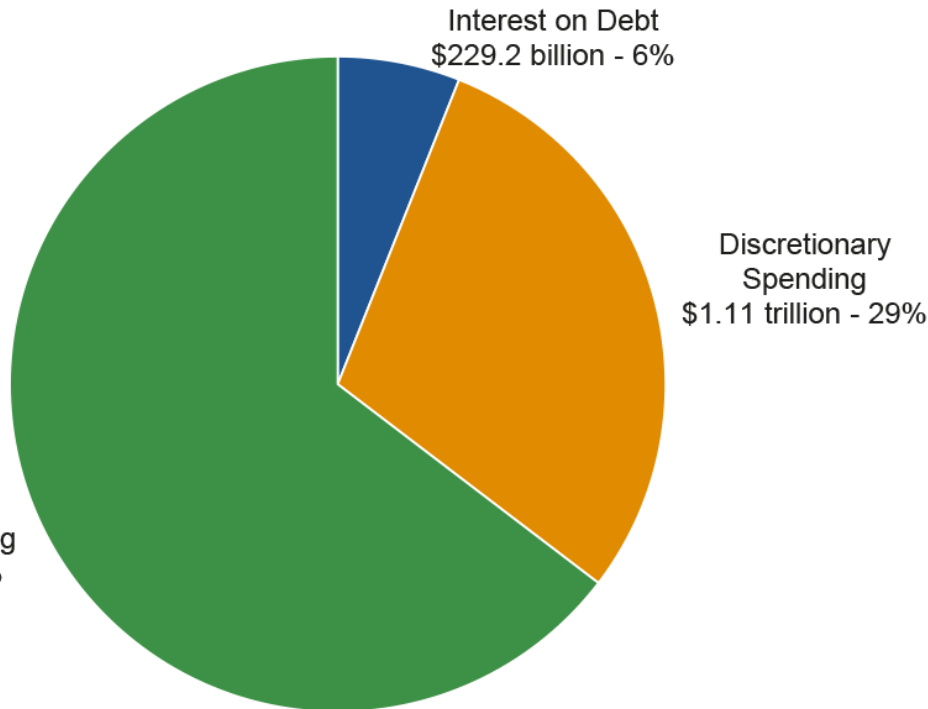


A Few Stray Cats

- 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

Protecting the Fisc

FY 2015 Mandatory and Discretionary Spending and Interest on Federal Debt (in 2015 Dollars)



- How would a declining favorable impression of of publically funded research impact Congress in an age of increasing interest rates and/or increasing mandatory spending ?

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