

Case: Misrepresentation of Publications

Allegation:

University receives an allegation that a PI misrepresented status of his manuscripts in a university publication by claiming they were submitted, when they were not.





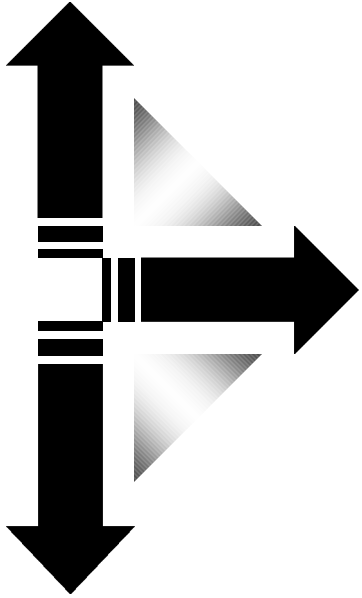
The Process:

Inquiry, Investigation, Adjudication:

You are the responsible University official notified of the allegation, what must you consider and what must you do?

- ❑ Review university's policies
- ❑ Review existing evidence
- ❑ Inform subject, university counsel
- ❑ Confidentiality and Conflict of Interests
- ❑ FOIA and Privacy Act considerations
- ❑ Initiate Inquiry: Convene and brief inquiry committee
- ❑ Timely, thorough, document-based

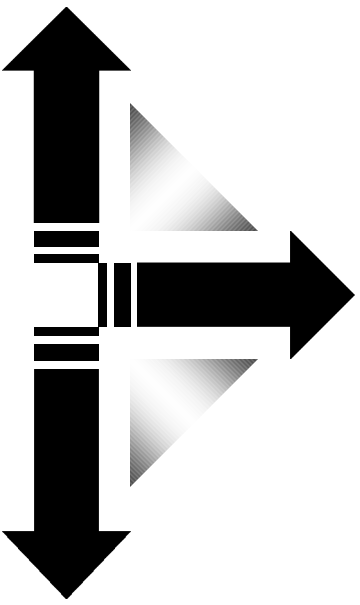




The Facts after University Inquiry

- ❑ PI claims several manuscripts were “submitted” when they were not.
- ❑ Misrepresentations appeared in an NSF proposal
- ❑ Committee concludes there is substance to case





What should you, as the Institutional Official, do next?

- Initiate Investigation
 - Notify NSF Office of Inspector General (OIG)
 - Provide inquiry report
 - Accept deferral of investigation
 - Consider offer for on-site help
 - Convene and brief investigation committee





Facts after University Investigation

- ❑ misrepresentations of 3 manuscripts in four proposals (most egregious “submitted” claim for incomplete draft manuscript)
- ❑ claim practice not consistent with those of subject’s scientific community
- ❑ evidence that subject’s practices changed as tenure decision approached
- ❑ could not establish level of “culpable intent”. . . subject believed that papers would be submitted by the time documents were reviewed





University Adjudication

- ❑ concluded actions were misconduct
- ❑ letter of censure in personnel file
- ❑ internal and external submissions monitored for 3 years
- ❑ Provide OIG with complete investigation report





What does our Office do?

- Assess report
- Determine Federal interest
- Seek additional information from investigating committee
- Conduct additional investigation to gather facts for Federal case

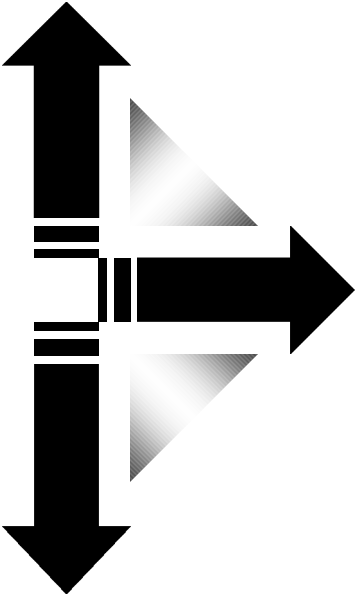




Complete Investigative Facts

- ❑ 7 proposals to 5 different entities (Federal, State, university groups) contained 40 misrepresentations
- ❑ 13 misrepresentations in two NSF proposals
- ❑ received \cong \$275 K for 5 of these proposals
- ❑ broad pattern of misrepresentation
- ❑ subject's misrepresentation were willful





What do we consider when assessing whether this is misconduct and what to recommend?

- Substantive matter?
- Need to protect Federal interest?
- Is institution action sufficient?
- Documentable evidence?
- Need to correct record, prospective impact
- What were actions in prior, similar cases?
- Send report with recommendation to adjudicator (NSF's Deputy Director)



Adjudication:

What finding and actions should NSF take?

- Falsification of information in proposal
- Evidence of an extensive pattern
- Finding of misconduct
- Letter of reprimand
- 3-year certification requirement for the PI
- 3-year assurance by department chair

