



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: I-93060021

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There was no closeout written at the time this case was closed. The following information was extracted from the file in conformance with standard closeout documents.

In May 1993, OIG received an allegation of scientific misconduct against the subject,¹ alleging that he had misrepresented the beginning dates of his position, his Ph.D. receipt, and the receipt of an award from the Office of Naval Research in order to qualify for a specific program. In addition, it was alleged that he submitted equivalent proposals to NSF and ONR.

OIG investigated and determined that the subject had in fact misrepresented his date of Ph.D. Consequently, the program administrator returned the proposal. The US Attorney declined prosecution. OIG also concluded that the subject's two proposals were significantly different. The institution reprimanded the subject for listing an award that he had never received.

OIG found no pattern of fraud, and it believes these errors were the mistakes of an inexperienced investigator. Therefore, no further action is necessary to protect federal funds.

Accordingly, this case is closed.

¹ Dr. [REDACTED], an Assistant Professor of Mechanical and Aerospace Engineering at [REDACTED].

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On 24 May 1993, OIG received allegations of misconduct in science from an anonymous complainant against the subject, [REDACTED] (the institution). The complainant alleged that the subject misrepresented the beginning date of his tenure-track appointment at the institution and the date he received his Ph.D. from the [REDACTED] (degree-granting institution) in his NSF proposal [REDACTED] entitled [REDACTED] (targeted proposal) in order to qualify for the targeted program. To be eligible to compete in the targeted program, applicants had to have received their Ph.D. degree and begun their tenure-track appointment after dates specified in the Program Announcement. Additional allegations reviewed in this case were that the subject a) misrepresented the starting date for his post-doctoral fellowship appointment in the Biographical Sketch in his targeted proposal as well as in two other NSF proposals;¹ b) misrepresented an [REDACTED] (other agency) award² in his targeted proposal that he never received; c) submitted essentially equivalent proposals to NSF³ and to the other agency⁴ without informing NSF as required; and d) failed to include an internally funded award that he had received from his institution⁵ in his Current and Pending Support (CPS) section in three NSF proposals.⁶

Because some of the allegations directly affected a pending funding decision by NSF, OIG immediately initiated an investigation and sent investigators to the grantee institution to interview the subject and gather information. OIG determined that there was no substance to the allegation that the subject misrepresented the beginning date of his tenure-track

¹ The subject, [REDACTED] listed a beginning date for his post-doctoral fellowship that was nine months later than the beginning date shown in the degree-granting institution's official records. He listed this later date in the Biographical Sketch in his NSF proposals [REDACTED]

² The subject, [REDACTED]

It was received by [REDACTED]

and declined in [REDACTED]

³ NSF proposal [REDACTED]

entitled [REDACTED]

was submitted by the subject [REDACTED] and received by NSF on [REDACTED] It was funded beginning [REDACTED]

⁴ The subject, [REDACTED]

It was received by [REDACTED]

and declined [REDACTED]

⁵ The internal grant was a [REDACTED] to the subject for [REDACTED]

⁶ The subject, [REDACTED] did not list a four-year internally funded grant in the following NSF proposals: [REDACTED]

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appointment in his targeted proposal. However, it determined that five allegations, discussed below, had substance, including the subject's misrepresentation of his Ph.D. award date in his targeted proposal. Transcripts from the degree-granting institution indicated that the subject received his Ph.D. nine months earlier than he stated in his targeted proposal. The date on the subject's transcript for the receipt of his Ph.D. made him ineligible for the targeted program.

OIG notified the NSF administrator in charge of the targeted program about the subject's official Ph.D. receipt date. The administrator determined that the subject's proposal was inappropriate and returned it to him. This allowed the program to allocate these funds⁷ to other applicants. OIG referred this matter to the appropriate United States Attorney's Office for evaluation. The Attorney's Office declined prosecution because the subject had not received any federal funds from the targeted program. At this point, because the NSF program had been able to allocate the funds to other applicants and because the allegations had substance, OIG suspended its investigation and referred the case to the grantee institution for investigation to resolve the allegations of misconduct in science. The results of the institution's and OIG's investigations are summarized below.

Allegation #1: The subject misrepresented his transcript Ph.D. date in his targeted proposal. The subject, a foreign national, explained that he first changed his Ph.D. date on NSF proposal submissions⁸ two years before he submitted his targeted proposal. He said that he made the change to observe his culture's tradition of recognizing the formal commencement date as the actual date of degree receipt. The institution's investigation committee confirmed that the subject first changed his transcript Ph.D. date to the commencement date in an NSF proposal submission two years prior to his targeted proposal application, and that he used this commencement date consistently up to, and including, his targeted proposal submission. The committee concluded that the subject's decision to change his transcript Ph.D. date was

based on rational grounds but showed poor judgment in that he did not recognize the obvious questions which might arise as a result of his action.

The committee concluded that the subject did not commit misconduct in science when he used his commencement Ph.D. date in his targeted NSF proposal.

OIG agreed with the committee that the act, given the circumstances surrounding the subject's change of his Ph.D. date, was not a serious deviation from accepted practice.

⁷ The subject's targeted proposal

⁸ Besides the targeted proposal, the subject

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Allegation #2: The subject misrepresented the starting date for his post-doctoral fellowship in the Biographical Sketch in his targeted proposal and in other NSF proposals. The subject claimed that he made the change because he thought his work associated with the post-doctoral fellowship did not significantly change from his original thesis work until after he received his Ph.D. The committee did not consider this issue directly. Instead, it stated that the subject changed his post-doctoral fellowship starting date to coincide with his changed Ph.D. date. It made no other comment or decision on this allegation.

OIG determined that the precise starting date for the subject's post-doctoral fellowship was not germane to NSF's review or funding of the subject's NSF proposals. OIG concluded that, in this case, the issue was not sufficiently serious to be pursued further in an investigation.

Allegation #3: The subject submitted essentially similar proposals to NSF and the other agency without indicating to NSF that he had done so. The committee received a written explanation from the subject that listed the similarities and differences between the two proposals. After it reviewed the proposals and the subject's explanation, the committee determined that, although the proposals were similar in many respects, the mathematical principles and the technical approaches presented in the two proposals were fundamentally different. The committee concluded that the subject did not commit misconduct in science.

The committee's decision, that the proposals were fundamentally different, resulted from their review of the proposals with the added assistance of information provided by the subject. This information listed, point by point, the differences in goals and approaches between the proposals. OIG accepted the committee's evaluation of the proposals and concluded that the evidence did not support the allegation.

Allegation #4: The subject misrepresented in his targeted proposal that he received an award from the other agency that he did not receive. The subject explained that he called the program officer at the other agency who told him that his proposal was on the "short list." He said that, as a result of this call, he assumed that he would receive the award and, therefore, listed it in his proposal. The committee was sympathetic to the fact that the subject was an "inexperienced junior faculty member" who may have arrived at an incorrect conclusion from his conversations with [the other agency's program officer], but concluded that the subject had seriously deviated from accepted practice and committed misconduct in science when he listed an award in his proposal that he did not have. Subsequently, the institution reprimanded the subject for this action.

OIG concluded that the actions taken by the institution were sufficient and that no further action was necessary to protect federal funds.

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Allegation #5: The subject failed to list internal funding he had received from his institution in the CPS section of three NSF proposals submitted prior to his targeted proposal. The subject explained that he did not realize that internally supported research was to be listed on external proposal applications. The investigation committee explained that it was the institution's policy that internal awards be recognized as equal to external awards and that they be included on all applications. The committee determined that the subject's omission was mostly due to his inexperience. It concluded that the subject did not commit misconduct in science.

OIG agreed with the committee that, because the subject had included his internal funding on the targeted proposal's CPS section, he was now aware that internal funding was to be included in NSF proposal applications. OIG concluded that, although this is a deviation from accepted practice, in this case it is not serious and was not misconduct in science under NSF's definition.

Conclusion: The subject's use of the commencement Ph.D. date rather than his transcript Ph.D. date extended his eligibility for the targeted NSF program. The program determined that, based on his transcript Ph.D. date, the subject was ineligible for the targeted program and that his proposal was inappropriate. The subject's proposal was returned to him and consequently he received no federal support. Given these circumstances, OIG concluded that the institution's investigation, its finding, and its reprimand of the subject, who was a young and inexperienced investigator, were sufficient to protect federal funds and no further action was required.

This investigation is closed and no further action will be taken by OIG.

cc: Staff Scientist, Deputy AIG-Oversight, AIG-Oversight, IG