

## CLOSEOUT FOR M-93040022

This case was brought to the attention of OIG on April 7, 1993, by [REDACTED]. The Associate Provost for Research informed OIG that the institution had completed an inquiry into an allegation against the subject, [REDACTED] of misrepresenting his terminal degree in an NSF proposal. The subject was a [REDACTED] at the institution. The Associate Provost said that the inquiry had found substance to the allegation and the institution was proceeding with an investigation.

After reviewing the institution's investigation report, OIG concluded that further information was required and initiated its own investigation. OIG's investigation report and the NSF Deputy Director's March 26, 1996, letter reflecting her decision constitute the closeout for this case.

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

NATIONAL SCIENCE FOUNDATION  
4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DEPUTY DIRECTOR

March 26, 1996

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

[REDACTED]

Re: Notice of Misconduct in Science Determination

Dear [REDACTED]

The National Science Foundation's Office of Inspector General (OIG) issued an Investigation Report on September 26, 1995 in which it found that you submitted a proposal to the National Science Foundation in which you misrepresented your educational credentials. (A copy of the investigative report is enclosed).  
OIG's finding is based on its own investigation and an investigation by [REDACTED]. Specifically, OIG concluded that you falsely stated that you hold a Master's degree from the [REDACTED].

In your defense, you state that you thought you had completed the substantive work towards the degree and deny that you knowingly falsified your credentials. You acknowledge, however, that you were negligent in not following up with [REDACTED] to ensure that you received credit for coursework required to earn your Master's degree or to verify that you actually received your degree. We concur with OIG that your failure to verify for over twenty years whether you ever completed the requirements for the Master's Degree or received the Master's Degree was at a minimum grossly negligent.

Misconduct in Science and Proposed Sanctions

Under NSF's regulations, "misconduct" is defined to include "fabrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing . . . activities funded by NSF." 45 CFR §689.1(a). Your submission of a proposal containing false statements about your educational credentials constitutes falsification and is a serious deviation from accepted practices. Consequently, I find that you committed misconduct in science.

NSF's regulations establish three categories of actions (Group I, II, and III) that can be taken in response to a finding of misconduct. 45 CFR §689.2(a). Group I actions, the least severe

of the sanctions, include letters of reprimand and requiring certifications or assurances of accuracy or compliance with particular requirements. 45 CFR §689.2(a)(1).

In deciding what response is appropriate, NSF has considered the seriousness of the misconduct; whether it was deliberate or careless; whether it was an isolated event or part of a pattern; and whether the misconduct affects only certain funding requests or has implications for any application for funding involving the subject of the misconduct finding. See 45 CFR §689.2(b).

You misrepresented your educational credentials in one proposal to the Foundation and three proposals to the Public Health Service. This is mitigated by the fact that although you were never awarded the degree, you did complete substantial coursework towards the degree.

Based on the above facts, we will require that if you are the principal investigator or co-principal investigator on any proposal submitted to NSF prior to March 1, 1997, you must separately certify, in writing, that all the information in the proposal is correct to the best of your knowledge. The written certification should be sent to the Assistant Inspector General for Oversight, 4201 Wilson Boulevard, Arlington, Virginia, 2230, at the same time that the proposal is submitted to NSF.

#### Procedures Governing Appeals

You have 30 days after receipt of this letter to appeal this decision in writing, to the Director of the Foundation. 45 CFR §689.9(a). Any appeal should be addressed to the Director of the National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. For your information, we are attaching a copy of the applicable regulations. If you have any questions about the foregoing, please call Lawrence Rudolph, Acting General Counsel, at (707) 306-1060.

Sincerely,



Anne C. Petersen  
Deputy Director

Enclosures

CONFIDENTIAL

## NSF OIG INVESTIGATION REPORT

OIG Case Number M93040022

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# REPORT OF INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT IN SCIENCE AND ENGINEERING

## SUMMARY

The Office of Inspector General (OIG) has determined that [REDACTED] (the subject), formerly of [REDACTED] (the institution), misrepresented information in a grant proposal funded by NSF. This conclusion is based on investigations by the institution and OIG. OIG recommends that NSF make a finding of misconduct in science, send the subject a letter of reprimand notifying him that NSF has made that finding, and require him to provide certification with each proposal submitted to NSF for the next three years that, to the best of his knowledge, he has not misrepresented any information in the proposal.

## BACKGROUND

[REDACTED] (the subject) was, until [REDACTED] at [REDACTED] (the institution). In May [REDACTED] he submitted to the [REDACTED] as the principal investigator (PI), proposal [REDACTED] entitled [REDACTED] which NSF subsequently funded.

The institution's Authorized Organizational Representative (AOR), following NSF's Misconduct in Science and Engineering regulation, informed OIG that the institution had received an allegation of misconduct in science based on information in the subject's proposal, and an inquiry committee had determined that it had substance. The institution was proceeding to the investigation stage as described by their misconduct in science policy. Specifically, it was alleged that the subject had misrepresented his academic credentials in his NSF grant proposal when he falsely stated that he had received a Master's degree. At the conclusion of the institution's investigation, OIG received copies of the inquiry committee's report and the investigation report.

## THE INSTITUTION'S INQUIRY

The inquiry committee reviewed the subject's transcripts obtained from the [REDACTED] (the university). The transcripts showed the subject had attended the university from August [REDACTED] through July [REDACTED] but had never received a Master's degree. The inquiry committee reviewed four federal grant proposals on which the subject was a PI or co-PI while he was employed by the institution: one [REDACTED] NSF funded proposal [REDACTED] on which he was the PI and three Public Health Service (PHS) proposals in [REDACTED], [REDACTED] and [REDACTED] on which the subject was the PI [REDACTED] or co-PI [REDACTED]. On all four proposals the subject had indicated that he had received a Master's degree [REDACTED] (see Tab

A, Appendix A). With his [redacted] NSF and his [redacted] PHS proposals, the subject listed his degree as an M.B.A. With his [redacted] and [redacted] PHS proposals, he listed his degree as an M.S. The inquiry committee noted that the subject had also indicated that he had an M.B.A. degree on his job application to the institution (see Tab A, inquiry committee's report page 3).

The subject's response to the allegation (see Tab A) was that he

"never knowingly or willfully misrepresented [his] holding a graduate business degree from [the university] to anyone at any time. [He knew] that [he] completed all required courses and requirements and that [his] record should reflect this. [He was] as puzzled as anyone else by the apparent problem."

The subject explained that, as a graduate student at the university, he

"had been taking classes that fulfilled the requirements for an M.B.A. as defined by the 'Business School' program; however, at some point near the end of [his] course work and, [he thought], coincident with the degree requirement changes attendant upon the school's reorganization, [he] changed [his] degree program from an M.B.A. to a M.S. in Information Sciences ([he was] unsure if this was the exact title of this degree program; it [did], however, convey, the nature of the program)."

The subject explained his change of Master's programs occurred after he met with a graduate school program administrator to discuss his graduation requirements. This conversation with the program administrator, he explained, resulted in his switching from an M.B.A. to an M.S. degree because the change entailed "fewer classes or different classes." The subject said that his conversation with the program administrator

"affirmed that, if [he] completed the incomplete grade in Business, Labor and Government, [he] would meet the degree requirements."

The subject claimed that he finished his uncompleted course and left the university to begin a new job. Over the next several years he said he heard nothing from the university about his degree. He said that he did not think about the Master's degree and just assumed that he had received it.

He explained that at the time he changed Master's programs the degree requirements for the program he was switching to were changing and he relied on the program administrator's advice. He said it was difficult to remember all the details after twenty years but that he had always believed that he had "an MS degree in Computing & Information Sciences" (24 February 1993 letter). The subject explained that he planned to return to the university personally to correct the situation.

The inquiry committee's report indicated that the subject's university transcript showed

that he had completed twelve courses in the School of Business Administration that was renamed the School of Management. It also showed that the course the subject claimed he had completed, Business Labor and Government, was still listed with a grade of incomplete.

In his 24 February 1993 letter, the subject claimed that the course with the incomplete grade and one summer Extension course, which he had completed but which did not appear on his transcript, would have counted toward his degree. He also said that he did not have a good explanation concerning why he did not confirm that he had received his degree or why he indicated that he had an M.B.A. when he "had (or thought [he] had) an M.S.," except that he "was not the type of person in the early 1970s who paid much attention to 'administrative details'." In his 6 March 1993 letter, the subject said that the reason for his change from listing an M.B.A. degree to an M.S. degree on his proposals was "purely personal." He explained that as a result of a 1992 Internal Revenue Service tax audit that was the result of his poor record keeping and his failure to "pay attention to the details," he decided to be more careful. Consequently, when completing subsequent grant proposals,

"[k]eeping faith with [his] resolve, [he] changed the degree to reflect what [he] had actually obtained from [the university]."

The inquiry committee determined that

"[w]hatever interpretation [was] put on the information on his transcript, and whatever he may have believed, the fact [was the university] did not grant him a Master's degree."

The inquiry committee concluded that there was "reason to believe that misconduct may have occurred." The subject resigned from the institution about two weeks prior to the completion of the inquiry committee's report.

### **THE INSTITUTION'S INVESTIGATION**

The investigation committee's report (see Tab B) recommended that the institution accept the inquiry committee's report. It agreed that

"[e]ven if [the subject's] argument that he had completed the substantive work toward the degrees is true, the statements in the grant proposals are materially false."

The investigation committee agreed with the inquiry committee that the subject's conduct "constituted misconduct as it amounts to 'falsification' in 'proposing research' under our guidelines." It assumed that because the subject had resigned, the institution was "not in a position to take any disciplinary action."

The subject responded to the investigation committee's request for additional information

by restating his earlier statement that he "never consciously or willfully intended to misrepresent [his] degree status" (see Tab B). The institution's investigation report was accepted by the Provost.

The AOR confirmed that, because the subject had resigned from the institution, no further action was planned. The subject's NSF award

"was an instrumentation grant to support establishment of a [regional computer network] connection at [the institution]. Review of the grant activities indicate that the work was performed in a satisfactory and appropriate manner. The grant provided no salary support to [the subject]."

### OIG'S INVESTIGATION

OIG wrote to the subject providing him with a copy of the institution's investigation report and requesting any information he might have obtained on his trip to the university that would have established his having received the degree. The subject explained (see Tab C) that his trip was unsuccessful; he was unable to identify anyone at the university who could help him. He said that he could not remember the name of the individual who was responsible for designing and approving degree programs at that time. He claimed that he had been able to determine that a course, Math for Management, which he had taken as an Extension course while at the university, had not been properly added to his transcript and that it was now added to his transcript.<sup>1</sup> However, the incomplete grade associated with the other class had not been posted. He said there were no records from that time.

He reiterated that late in his graduate career, he worked with a university administrator who had advised him to change his degree program. He explained that he changed at that time from an M.B.A. to a Master of Science in Accounting and Information Systems.

OIG reviewed the subject's transcript and noted that he had enrolled in sixteen courses designated as "BUS ADM" or "MGMT," but had completed only twelve of them. The transcript stated that the subject had "MAJOR CHANGED FROM BUS ADM" as of March [REDACTED] but it did not indicate what his new major was. The transcript also did not indicate how many more courses the subject would have needed to complete in order to be eligible for the degree. OIG was unable to definitively determine the number of courses the subject needed to complete to be eligible for an M.S. However, given the number of graduate courses the subject had completed, it is reasonable to assume that he was within one or two courses of completion of one of the Master's programs he described.

Finally, OIG was told by the NSF program to which the subject had submitted his

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<sup>1</sup>The subject provided OIG with a copy of a March [REDACTED] transcript that showed a course entitled "Mathematics for Management" with a letter grade of "A."



proposal that there was no specified educational requirement for PIs.

## OIG'S ANALYSIS

For NSF to make a finding of misconduct, a preponderance of the evidence must show that the subject committed culpable acts with a culpable state of mind. OIG believes that the preponderance of the evidence indicates that the subject committed acts that fall under NSF's definition of misconduct in science, and that he did so with a culpable state of mind.

### THE ACT

The subject submitted four federal agency proposals. On two of his proposals (the [REDACTED] NSF and PHS proposals) he listed his degree as an M.B.A. while on his [REDACTED] and [REDACTED] PHS proposals he listed it as an M.S. NSF's Misconduct in Science and Engineering regulation defines misconduct in part as a "serious deviation from accepted practice" associated with activities funded by NSF. The subject misrepresented his credentials on his proposal to NSF. Similarly, he misrepresented his educational experience in three other federal proposals, one of which was funded. OIG believes that the scientific community regards such misrepresentation as a serious deviation from its standard for the preparation and submission of proposals. The subject's institution reached the conclusion that the subject had committed misconduct. We believe that NSF should endorse the institution's finding. In the case of the NSF proposal, OIG does not consider the offense egregious because an M.S. degree was not a requirement for eligibility and the subject had completed the majority of the requirements for that degree. However, we believe that NSF should take action in this case, since misrepresentations threaten the integrity of the peer review process.

### STATE OF MIND

OIG believes that the preponderance of the evidence indicates that the subject was at least grossly negligent. He explained that he was not one to "pay attention to details." As such, on four federal grant proposals, he listed his highest formal educational achievement as a Master's degree which he did not attempt to verify and which he did not have. On his two [REDACTED] proposal submissions, one of which was to NSF, he indicated that he had received an M.B.A. degree from the university in [REDACTED]. This was despite the fact that he had officially removed himself from the M.B.A. degree program in [REDACTED] while he was still a graduate student. Further, in his [REDACTED] and [REDACTED] federal proposals for funding, the subject changed his representation of his degree from an M.B.A. to an M.S. He claimed that this change was a consequence of his desire to be more attentive to details. However, as a part of his desire to improve details, he failed to verify with the university whether he had received a degree and, if so, which degree it was. We believe the subject was grossly negligent and displayed a conscious disregard for accurately completing his proposals for federal support. The subject's failure to acquire specific knowledge about his degree situation, especially over twenty years, and his use of an M.B.A. degree on his two earlier proposals, that he himself admitted he had changed while in graduate school, cannot be dismissed as merely careless.

## **OIG'S CONCLUSION REGARDING MISCONDUCT IN SCIENCE**

OIG concludes that a preponderance of the evidence supports the finding that the subject misrepresented his credentials in his NSF proposal as well as in other proposals for federal funding and that he was at least grossly negligent in doing so. OIG therefore concludes that the subject committed misconduct as defined in NSF's Misconduct in Science and Engineering regulation and recommends that NSF make a finding to that effect.

## **SUBJECT'S RESPONSE TO THE INVESTIGATION REPORT**

In the subject's 1 September 1995 response to this investigation report (see Tab D) he claimed that three additional classes listed in Tab A, Appendix B, Table 2 of the report were also part of the curriculum authorized by the Graduate School of Management at the university. He said that these three courses plus the Mathematics for Management course,<sup>2</sup> which he also took, resulted in a course count of 16 rather than 12.<sup>3</sup> As stated previously in this report, OIG found 1) no record of the specific Master's program the subject was pursuing, 2) no record of the courses the university would accept toward the subject's Master's degree, and 3) no record of the total number of courses necessary for the subject to graduate. The subject provided no supporting evidence that changed any of the information presented in this report.

The subject stated that he was "remiss or negligent" in his failure to assure that he had 1) completed course #421, Business Labor and Management, 2) "properly graduated," and 3) "properly" updated his resume. He strongly disagreed that he knowingly falsified his record. He stated that he "never intended to falsify anything." As explained above, OIG believes that the subject was at least grossly negligent when he misrepresented himself as having an advanced degree which he did not have on federal grant applications.

## **OIG'S RECOMMENDED DISPOSITION**

Under §689.2(b) in NSF's Misconduct in Science and Engineering regulation, NSF, upon making a finding of misconduct, must consider the seriousness of the misconduct and whether this was a part of a pattern of behavior. OIG believes that misrepresentation of credentials is seriously unacceptable in the scientific community. In relation to other examples of misrepresentation, however, the subject's misrepresentation in his NSF proposal was not an egregious act because an M.S. degree was not a requirement for eligibility and the subject had completed the majority of the requirements for that degree. However, the subject's misrepresentation is a serious deviation from accepted practice and he displayed a pattern of misrepresenting his experience over several years.

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<sup>2</sup> The draft report discussed the Mathematics for Management course on page 4. transcript.

<sup>3</sup> One of the three courses indicated by the subject as "included in the course count," #160 Intro Biostatistics, remains uncompleted according to his transcript (Tab A, Table 2).

The institution took no action against the subject because he resigned his position. OIG believes that, in light of the subject's experience, he could apply for funds from NSF in the future. Therefore, we believe this case warrants a Group I and Group II action. We recommend that (1) NSF send a letter of reprimand to the subject, a Group I action (see §689.2(a)(1)), stating that NSF has found that he has committed misconduct in science and that (2) NSF require for the next three years that all proposals to NSF which include the subject as PI or co-PI be accompanied by a certification by the subject to OIG that he has not misrepresented any information in his proposals, a Group II action (see §689.2(a)(2)).