

CLOSEOUT FOR M93120061

This case was brought to OIG on November 17, 1993, when [REDACTED], Director of the Division of [REDACTED], informed us of an allegation that a proposal to NSF misrepresented the credentials of the proposed PI. Attached are the OIG investigation report, including its appendices; the memorandum from the NSF's adjudicating official to the Inspector General announcing her decision in this case; and the letter of reprimand from NSF to the subject. These documents explain the actions subsequently taken by OIG and NSF in this case.

cc: Deputy AIG-O, IG

NSF OIG REPORT

OIG Case Number M93120061

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

The Office of Inspector General (OIG) has determined that [REDACTED] (the subject) on two occasions submitted proposals that misrepresented his credentials in that they included a resume claiming that he had earned a B.S. degree. This conclusion is based on an investigation performed by OIG. OIG recommends that NSF find that the subject committed misconduct as defined in NSF's regulation on Misconduct in Science and Engineering and take the following actions as a final disposition in this case. The subject should be told that NSF has made a finding of misconduct and should receive a letter of reprimand from the NSF Office of the Director. The subject should be required, for a period of one year, when he submits proposals to NSF, to certify to OIG that all information in his proposals is correct to the best of his knowledge.

OIG's INQUIRY and INVESTIGATION

[REDACTED], Director of the Division of [REDACTED] at NSF, informed OIG of an allegation that the subject had misrepresented his educational background in a proposal to NSF. [REDACTED] had received information from the subject's former employer, [REDACTED], that the company had discovered the misrepresentation and that the company, as a result, took steps to terminate the subject's employment. OIG later learned from the subject's manager at the company that the subject had been permitted to resign and had not been officially dismissed.

OIG examined two proposals that the company submitted to NSF with the subject as principal investigator. These were [REDACTED], entitled [REDACTED] and [REDACTED], entitled [REDACTED].¹

¹Shortly before these two proposals were submitted, the company nominated the subject to NSF as a replacement PI on two awards after the original PI for these awards left the company. The awards were [REDACTED], entitled [REDACTED] and [REDACTED], entitled [REDACTED]. NSF refused to accept the subject as replacement PI on the first of these awards, where NSF believed that the subject was not suitable because the PI needed excellent technical credentials and a proven ability to lead technically innovative projects. NSF agreed to

Both contained identical resumes (copy attached) representing the subject as having received a B.S. degree in Biology from [REDACTED] in [REDACTED]. In explaining the qualifications of key personnel, the [REDACTED] (page 9) also represents the subject as holding this degree (copy attached). Both proposals contain signed certifications by the subject stating that "the statements herein (excluding scientific hypotheses and scientific opinions) are true and complete" and that "I understand that the willful provision of false information . . . in this proposal or any communication submitted to NSF is a criminal offense."

OIG wrote to the subject, who in his response admitted that he did not in fact hold a B.S. degree. He characterized his actions as "stupid and regrettable" and asked NSF to respond to them with "leniency and mercy." A copy of the subject's letter is attached.

OIG'S ANALYSIS

For NSF to make a finding of misconduct, a preponderance of the evidence must show that the subject committed a culpable act with a culpable state of mind. OIG believes that the preponderance of the evidence indicates that he knowingly misrepresented himself as holding a B.S. degree, and that this act is misconduct under NSF's regulation on Misconduct in Science and Engineering. NSF's regulation defines misconduct in part as "fabrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing . . . activities funded by NSF" (45 C.F.R. §689.1(a) (1)), and we believe the subject's act clearly falls within this definition.

It is clearly inappropriate to misrepresent one's credentials. Possession of formal educational credentials is usually a significant qualification for performing scientific work. In this case, the subject's twenty-five years of experience in working with computers were probably far more relevant to assessing his qualifications for the proposed work than his alleged possession of a B.S. degree in an unrelated scientific discipline. Nonetheless, the rule against misrepresenting credentials is important in the

accept the subject as PI on the second award, where he would [REDACTED] institutions in the subject's home state. The NSF program manager told OIG that NSF considered the subject's managerial experience adequate to this task and that NSF did not believe that a technically innovative scientist was required for this position. According to the program manager, NSF's decisions were based on the subject's work experience and were unrelated to the subject's educational qualifications. At the time NSF made these decisions, it was unaware that the subject's resume contained erroneous information about his educational background. The subject's proposals involved continuing the work that had been done on these awards.

scientific community, regardless of whether, in a particular case, the misrepresentation would have been material to NSF decisions about a principal investigator's competence to perform the work. Violating this rule, especially after certifying to the truth and completeness of the statements in one's proposal, is a serious matter. The subject obviously knew that his statement about his credentials was incorrect when he made it.

OIG'S RECOMMENDED DISPOSITION

Under §689.2(b) of NSF's misconduct in science and engineering regulation, upon making a finding of misconduct, NSF, in determining what actions it should take, must consider the seriousness of the misconduct. This includes considering the state of mind with which the subject committed misconduct and whether the misconduct "was an isolated event or part of a pattern." We have already explained why we conclude that the subject's action is a serious deviation from accepted practice and hence is misconduct; this section explains OIG's recommended actions in light of our assessment of the seriousness of the subject's misconduct, i.e., of how serious this instance of misrepresenting credentials is in relation to other instances.

The misrepresentation in this case involves a credential that is not directly relevant to the proposed work and that is less important than the subject's other credentials (i.e., his work experience). In the subject's area of expertise, formal educational credentials are probably less important than they are in other areas of science and engineering. These considerations, however, do not negate the basic fact: the subject lied to NSF about his educational credentials.

There are two instances of misrepresentation. The second occurred soon after the first. The subject's resume was not revised between these two instances. OIG believes that this is better understood as one incident of misconduct, manifested in two nearly simultaneous proposals, than as part of a pattern of misconduct.

In response to the subject's misconduct and to emphasize the importance that NSF places on truthful representations in proposals and other documents submitted to NSF, we recommend that the subject be sent a letter of reprimand, which is a Group I action (see §689.2(a) (1) (i)). We recommend that for a period of one year the subject be required, when he submits proposals to NSF, to certify to OIG that all information in his proposals is correct to the best of his knowledge. This is also a Group I action (see §689.2(a) (1) (ii)). Because the subject has already lost a long-held job as a direct result of his misrepresentation to NSF, we believe significantly more severe actions by NSF would be inequitable in this case.

**Curriculum Vitae and Qualifications of
Key Personnel Omitted**

OIG Chron

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DEPUTY DIRECTOR

August 23, 1995

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

[REDACTED]
[REDACTED]
[REDACTED]
[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 March 31, 1995 in which it found that you submitted two proposals to the National Science Foundation in which you misrepresented your educational credentials. (A copy of the investigative report is enclosed). Specifically, you falsely claimed that you hold a B.S. degree from [REDACTED].

In a May 1, 1994 letter, you admitted that you do not hold a Bachelor of Science Degree from [REDACTED] and describe the misrepresentation of your credentials as "stupid" and "regrettable." In determining the proper sanction for your behavior, you requested that the Foundation take into account that you have lost your job and suffered from humiliation as a direct consequence of your falsification. The OIG subsequently provided you with an opportunity to comment on their draft investigative report. In a letter dated March 17, 1995, you stated that you did not wish to comment on their findings.

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 proposals in which you intentionally falsified 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

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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 deliberately lied to the Foundation about your educational credentials in the proposals and falsely certified to the truth of your statements. However, the severity of the sanction is mitigated by the fact that you lost a long-held job as a direct consequence of your falsification.

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 September 1, 1996, 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