

Report on Research Compliance Volume 19, Number 8. July 28, 2022 After a Retraction Demand Is Refused, What Then?

By Theresa Defino

The most recent semiannual report (SAR) to Congress issued by the National Science Foundation (NSF) Office of Inspector General (OIG) details five misconduct findings NSF made based on prior OIG investigations,^[1] as well as cases for which NSF decisions are pending.^[2]

As *RRC* reported earlier this year, OIG investigated a case involving a professor and a graduate student who were both recommended for misconduct findings.^[3] As is NSF and OIG policy, no institutions or individuals subject to sanctions are identified. HHS, in contrast, publishes such names.

The new report indicates NSF took action against the student, but OIG told *RRC* sanctions against the professor are still pending. The report also indicates no further progress in the quest for a retraction, which the government said the professor stopped.

Although investigated separately, the pair were accused together of “misrepresent[ing] data in a publication and deposit[ing] the data in a genetic sequence database.” The university “determined that the graduate student committed research misconduct, engaged in reckless acts of data falsification, and violated the student conduct code. The graduate student knowingly drew conclusions that were not supported by the experimental results and submitted those data in a manuscript for publication and to a public database.”

Mentoring Plan Required

The university imposed a number of sanctions on the student. NSF agreed with them and with those recommended by OIG. “NSF prohibited the graduate student from participating as a reviewer, advisor, or consultant for NSF for 3 years. Also, for 3 years, NSF required certifications and assurances, and a data management plan and mentoring plan with annual certifications.”

But the complication with the retraction was not overcome. OIG reports that, “NSF required compliance with the requirements imposed by the university, including correction of the research record by retracting the publication; although the retraction was blocked by the graduate student’s professor, the journal editors issued an editorial expression of concern.”

A retraction and an expression of concern are not the same thing. Because NSF and OIG withhold identifying details, *RRC* could not contact anyone to learn more about the scuffle over the retraction. *RRC* asked OIG if there is a bigger problem for the research integrity community, OIG and NSF when a researcher can effectively thwart the will of a federal agency trying to correct the research record by refusing to permit a retraction.

An OIG spokesperson did not answer this question directly, but said “the journal’s decision is beyond NSF’s or the university’s control.”

“We do not have any details about how the professor was able to block the retraction or why the journal editors decided to issue an expression of concern rather than a retraction,” the spokesperson said. “Different journals have different policies regarding retraction. For example, some journals might require that all authors agree to a

retraction,” although it is not known if that was the situation here.

Both the retraction request “and the ultimate expression of concern by the journal happened before NSF adjudicated” the case, the spokesperson said.

The university took actions against the professor, including requiring “that for 3 years, a co-advisor be appointed for the professor’s students in the laboratory and experienced co-PIs [principal investigators] be added to the professor’s grant proposals on research outside of his expertise.”

OIG recommended NSF require the professor to seek a retraction, comply with the university sanctions, and order the professor to follow a “mentoring plan with annual certifications.” As noted earlier, NSF has not acted on OIG’s recommendations yet pertaining to the professor.

False Website Brings Debarment

Other cases were resolved as follows:

- NSF imposed a three-year debarment on a former student who created a false website and copied and later deleted files hoping to thwart fabrication and falsification investigators, sanctions recommended by OIG. For four years he is also prohibited from serving as a reviewer, consultant or advisor. The student appealed the sanctions to NSF but the agency stood by its actions, according to the SAR.
- NSF also prohibited a PI who inserted plagiarized material into two declined NSF proposals from “participating as a peer reviewer, advisor, or consultant for NSF for 1 year, and required certifications and assurances for 1 year.”
- In the case of an investigator who had argued that the use of a “similarity index” indicated he was not guilty of plagiarism, NSF nonetheless imposed a series of sanctions for three years: a ban on serving as a reviewer, advisor, or consultant for NSF and submission of certifications and assurances.
- NSF supported OIG’s recommendations against an investigator “who claimed verbatim text need not be demarcated” in proposals, prohibiting the individual from “participating as a reviewer, advisor, or consultant for NSF for 2 years. In addition, NSF required certifications and assurances for 2 years. The PI’s appeal of NSF’s decision is pending,” according to the SAR.

1 National Science Foundation Office of Inspector General, *Semiannual Report to Congress: October 1, 2021 – March 31, 2022*, NSF-OIG-66, accessed July 25, 2022, <https://bit.ly/3cwMowt>.

2 Theresa Defino, “In New Report, NSF OIG Shares Details on Misbehaving Investigators, Retraction Fight,” *Report on Research Compliance* 19, no. 8 (August 2022).

3 Theresa Defino, “Misconduct Tales: ‘Similarity Index,’ Years of Faked Data, Plagiarized Proposals, No Quotes,” *Report on Research Compliance* 19, no. 1 (January 2022), <https://bit.ly/3NyhWxZ>.

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