

Research Misconduct Penalties: ORI

While penalties may vary from case to case, depending on the specific findings and significance of the alleged misconduct, below is an overview of the most common punitive measures imposed by ORI and what they mean for you.

What punishments can ORI impose if it finds I committed research misconduct?

The Office of Research Integrity may impose a wide spectrum of penalties, such as issuing a letter of reprimand, suspending or terminating a researcher's federal grants, restricting a researcher's activities on federally-funded research projects, and imposing supervision requirements. But by far the most severe penalty ORI can impose is its ability to exclude, or "debar," a researcher from participating in any way on any federally-funded research for some period of time, or permanently.

What does a federal "debarment" entail?

Under federal regulations, a "debarred" individual cannot work on federally-funded research nor can he/she receive any assistance from federal grants. This means that a "debarred" individual is not only prohibited from receiving compensation from federal grant money, but he/she also cannot use equipment, laboratory space, office personnel, or any other resources that are paid for in whole or in part with federal funds. All "debarments" are also publicized by the federal government by listing the "debarred" individual on the Excluded Parties List System and summarizing his/her offending conduct in the Federal Register, as well as including debarment in ORI's case summaries published publicly on the ORI website.

Is "debarment" reserved for only the most egregious offenders?

Yes and no. The federally government is very protective of its grant money. The worst research misconduct offenders can certainly expect ORI to pursue a lengthy, possibly even permanent, "debarment" against them. But even where the allegations or finding do not allege egregious misconduct, a researcher can expect to receive a proposal for a shorter "debarments" (5 or 10 years), often in conjunctive with a greater term of mandated supervised research. Under federal regulations, ORI has the discretion to lengthen or shorten any "debarment" depending on the seriousness of the conduct and the existence or absence of mitigating or aggravating factors.

Is a recommendation of "debarment" final?

No. Where ORI has independently already made factual findings of research misconduct, or where a researcher has admitted to engaging in research misconduct, ORI may propose a term of "debarment" as part of a Voluntary Exclusion and Settlement Agreement. An accused researcher can, and should, negotiate this term if it is not proportionate to the scope of the misconduct.

Can I appeal ORI's findings and punishment to a judge?

Yes. Federal regulations allow an individual to contest research misconduct findings by requesting a hearing before a Department of Health and Human Services ("HHS")

Administrative Law Judge ("ALJ") if he/she can demonstrate that there is a genuine dispute over facts that are material to ORI's findings. In practice, however, this has proven to be a very high threshold to satisfy and HHS ALJs have consistently denied requests for a hearing to contest ORI research misconduct findings. By way of illustration, in 2012 a researcher whose request for a hearing was denied had to file and win a landmark lawsuit against HHS in Federal Court **[this will be hyperlinked to one of our "success stories"]** to overturn that denial and be granted a hearing request.