

Discussion with NSF Staff member after request by J. P. Robinson to Alison C. Lerner, NSF Inspector General. Discussion with MS. Beth Strausser on issues of NSF Policy

Date: October 3, 2011 5:30pm. Detailed notes taken by J. P. Robinson.

Outline: This request for clarifications was based on the issues addressed by the Purdue office of the Vice President of Research. In short, Purdue has used the issue of NSF policy to be the primary driving force to create a major change in Purdue's policy on research professors. The primary argument has been that NSF policy prevented faculty who were 100% funded on NSF from participating in a number of activities. It has been stated multiple times in both private meetings and in the senate that a person on a 100% NSF appointment:

1. Could not submit a grant or a resubmission during the time they were 100% NSF employed
2. Could not mentor a graduate student
3. Could not attend a conference
4. Could not attend graduate committee meetings

Based on my conversations with OIG, basically NSF policy is according to the OMB Cost Circular, and in essence states that 100% of time if paid by NSF must be related to the grant or contract. In plain English, this means that when you are paid 100% on NSF funds, you are obligated to 100% of your time on the funded project. However, the first thing that was stated during our conversation was that this is in fact a "gray area". In expanding this statement, it became clear that the policy as stated above, is not as cut and dried as it sounds and in fact that "no clear policy may be applied".as has been stated at Purdue.

To better clarify the issues, I asked specific questions and I received quite specific answers. I have listed the questions and the answers I received (based on detailed notes I took) below.

First, it was mentioned that it is rare that anyone is on this 100% status with the exception of those on summer support. Summer support is usually 2 months, and on rare occasions, 3 months.

Question: Can you write a grant to renew the grant you are on?

Answer: Not in work time, but there is nothing to stop you writing that grant outside of the normal 100% time paid for by the grant. i.e., if the institution says a work week is defined as 8-5 Monday to Friday, then before 8, after 5 and at lunch time is your own time and you can do whatever you want including write and submit grants. If you submitted that grant written on your own time, then this is perfectly allowable. In other words, like everyone else at the university, it is rare that anyone works just 8 hours a day, but the facts are, that if you are paid as a 100% funded NSF individual, this ONLY applies to the 8 specific work hours of your employer. At Purdue, the work day is as I understand it defined as 8-12 and 1-5pm. These then are the ONLY times that restrictions apply.

Question: Can you mentor a graduate student who is working on the funded project?

Answer: "Yes of course you can".

Question: Can you attend a graduate committee meeting for that graduate student?

Answer: "Yes"

Can you manage an undergraduate student, graduate student or postdoc who is working on your grant?

Answer: "Yes you can"

Question: Say the graduate student did poorly on their preliminary exam, could you discuss that at the graduate committee meeting?

Answer: Not on NSF time as this is not related specifically to your grant

Question: Can you attend a conference to present your work?

Answer: Yes.

Question: Even if you are giving a poster or a talk that may be only 1/40 of the time you are away?

Answer: Yes no problems. Conferences are ok.

Question: Could you attend a faculty meeting?

Answer: No, it is not working on your research contract

Question: Can you write a paper on your work during normal working hours?

Answer: Yes of course.

Question: Can you attend a departmental seminar?

Answer: No, unless it is directly on your research project

Question: Can you attend a school-wide seminar?

Answer: No (as above)

Question: A Nobel prize winner is giving a university seminar on their work, can you attend?

Answer: No. Only in your own time, you cannot bill that time to the contract. So the university must determine that you have not attended during the time they are paying you!

Question: You are on a summer appointment paid 100% on NSF funds. You wish to perform other tasks during this time such as participate in another project, write a book, give some lectures. Can you do this?

Answer: The rules are that you are obligated to perform your NSF contract during the time you are on that contract. However, this is strictly restricted to the "normal and accepted working hours" of your institution. So, if this is defined as an 8 hour day, you may do any of the above activities outside of these hours. So, you can teach at lunch time for 1 hour, you can teach at 5pm or before 8am, you can write your book at lunch time, and after work, you can write your grant resubmission before or after work and you can submit this in work time as you did not do the work during NSF paid time.

My evaluation of the current situation

The primary argument made by the office of VPR is that we need to change the rules of our current policy because the NSF rules prevented research professors performing any other activities. I requested documentation from several of the administrators pushing this policy. At the FAC meeting, four administrators attended and stated in the strongest terms that NSF policy precluded several activities that justified changing the policy. When pressed, they would not or could not provide any documentation, or even names of people they has spoken with at NSF. Because of this, I spent a considerable amount of time, investigating this issue myself.

Based on the discussions I had with the Office of the Inspector General, it is clear to me that the policy of the NSF is not as clear-cut as Purdue administrators have led us to believe.

As I understand it, some administrative units at Purdue are pursuing this policy with some vigor but based on my discussions with OIG, Purdue's interpretation of NSF policy may not stand to critical

evaluation. If a faculty member is on 100% NSF funding, what they do during that funding period, is impacted ONLY during very specific hours – that is the hours that the institution claims are normal working hours. Since no Purdue employee is allowed to claim more than 100% of time, this 100% is represented by exactly 40 hours, and only during the advertised work hours.

If faculty actually only did work during those 40 hours, we would mostly achieve little of what we are expected. Indeed, I do not know of any faculty member who only works 40 hours a week. However, because NSF policy specifically and ONLY requires a person on 100% appointment to work those 40 hours during a specified time– you are not obligated to NSF for a single minute more.

This opens up all sorts of opportunities for 100% NSF funded individuals to do many things during that time which would be TOTALLY and completely LEGAL. Purdue has, as I understand it, even gone as far as taking legal action against people they believe may have performed other tasks during the time they were funded 100% on NSF grants. It is not at all clear that Purdue would be on solid ground pursuing this policy since individuals may perform other tasks as long as they are outside the precisely specified work hours. Purdue has no control over these other tasks. Indeed, after my discussions with NSF it is not at all clear that Purdue's use of NSF restrictions as a basis for changing the research faculty policy is at all valid.