For those cases governed by the debarment and suspension regulations, the standards of proof contained in the debarment and suspension regulations shall control. Otherwise, NSF will take no final action under this section without a finding of misconduct supported by a preponderance of the relevant evidence.

§ 689.4 Role of awardee institutions.
(a) Awardee institutions bear primary responsibility for prevention and detection of research misconduct and for the inquiry, investigation, and adjudication of alleged research misconduct. In most instances, NSF will rely on awardee institutions to promptly:
(1) Initiate an inquiry into any suspected or alleged research misconduct;
(2) Conduct a subsequent investigation, if warranted;
(3) Take action necessary to ensure the integrity of research, the rights and interests of research subjects and the public, and the observance of legal requirements or responsibilities; and
(4) Provide appropriate safeguards for subjects of allegations as well as informants.
(b) If an institution wishes NSF to defer independent inquiry or investigation, it should:
(1) Complete any inquiry and decide whether an investigation is warranted within 90 days. If completion of an inquiry is delayed, but the institution wishes NSF deferral to continue, NSF may require submission of periodic status reports.
(2) Inform OIG immediately if an initial inquiry supports a formal investigation.
(3) Keep OIG informed during such an investigation.
(4) Complete any investigation and reach a disposition within 180 days. If completion of an investigation is delayed, but the institution wishes NSF deferral to continue, NSF may require submission of periodic status reports.
(5) Provide OIG with the final report from any investigation.
(c) NSF expects institutions to maintain and effectively communicate to their staffs appropriate policies and procedures relating to research misconduct, which should indicate when NSF should be notified.

§ 689.5 Initial NSF handling of misconduct matters.
(a) NSF staff who learn of alleged misconduct will promptly and discreetly inform OIG or refer informants to OIG.
(b) The identity of informants who wish to remain anonymous will be kept confidential to the extent permitted by law or regulation.
(c) If OIG determines that alleged research misconduct involves potential civil or criminal violations, OIG may refer the matter to the Department of Justice.
(d) Otherwise OIG may:
(1) Inform the awardee institution of the alleged research misconduct and encourage it to undertake an inquiry;
(2) Defer to inquiries or investigations of the awardee institution or of another Federal agency; or
(3) At any time proceed with its own inquiry.
(e) If OIG proceeds with its own inquiry it will normally complete the inquiry no more than 90 days after initiating it.
(f) On the basis of what it learns from an inquiry and in consultation as appropriate with other NSF offices, OIG will decide whether a formal NSF investigation is warranted.

§ 689.6 Investigations.
(a) When an awardee institution or another Federal agency has promptly initiated its own investigation, OIG
may defer an NSF inquiry or investigation until it receives the results of that external investigation. If it does not receive the results within 180 days, OIG may proceed with its own investigation.

(b) If OIG decides to initiate an NSF investigation, it must give prompt written notice to the individual or institutions to be investigated, unless notice would prejudice the investigation or unless a criminal investigation is underway or under active consideration. If notice is delayed, it must be given as soon as it will no longer prejudice the investigation or contravene requirements of law or Federal law-enforcement policies.

(c) If a criminal investigation by the Department of Justice, the Federal Bureau of Investigation, or another Federal agency is underway or under active consideration by these agencies or the NSF, OIG will determine what information, if any, may be disclosed to the subject of the investigation or to other NSF employees.

(d) An NSF investigation may include:

(1) Review of award files, reports, and other documents already readily available at NSF or in the public domain;
(2) Review of procedures or methods and inspection of laboratory materials, specimens, and records at awardee institutions;
(3) Interviews with subjects or witnesses;
(4) Review of any documents or other evidence provided by or properly obtainable from parties, witnesses, or other sources;
(5) Cooperation with other Federal agencies; and
(6) Opportunity for the subject of the investigation to be heard.

(e) OIG may invite outside consultants or experts to participate in an NSF investigation. They should be appointed in a manner that ensures the official nature of their involvement and provides them with legal protections available to federal employees.

(f) OIG will make every reasonable effort to complete an NSF investigation and to report its recommendations. If investigation of the Deputy Director within 180 days after initiating it.