

NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

**CLOSEOUT MEMORANDUM**

Case Number: A11100067

Page 1 of 1

**Closeout**

We conducted an inquiry into an allegation that two NSF Proposals<sup>1</sup> with a common PI (Subject1<sup>2</sup>) and co-PI (Subject2<sup>3</sup>) contained plagiarized text. In their inquiry responses, both subjects agreed that the responsibility lay with Subject1. Subject1 acknowledged inappropriate attribution in the proposals. We referred the matter to the University<sup>4</sup>, which found that she compiled the proposals by assembling notes from her own and others' writing. She acted recklessly in not ensuring that verbatim text was properly demarcated and cited, a significant departure from expected community standards and therefore committed research misconduct. We agreed with the University's assessment.

We recommended actions to protect the federal interest and the Deputy Director took actions based on our report.

This memo, the attached Report of Investigation, and the Deputy Director's decision letter constitute the case closeout. Accordingly, this case is **closed** with no further action taken.

<sup>1</sup>

[REDACTED]

# National Science Foundation

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## Office of Inspector General



### Report of Investigation Case Number A11100067 February 18, 2014

**This Report of Investigation is provided to you  
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It contains protected personal information, the unauthorized disclosure of which may result in personal criminal liability under the Privacy Act, 5 U.S.C. § 552a. This report may be further disclosed within NSF *only* to individuals who *must* have knowledge of its contents to facilitate NSF's assessment and resolution of this matter. This report may be disclosed outside NSF only under the Freedom of Information and Privacy Acts, 5 U.S.C. §§ 552 & 552a. Please take appropriate precautions handling this report of investigation.

**Executive Summary**

**Allegation:** Plagiarism in an NSF proposal.

**OIG Inquiry:** 

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OIG identified 12 sources from which approximately 58 lines of text were copied into two NSF proposals. Both proposals shared the PI (Subject1) and a co-PI (Subject2). During our inquiry, Subject1 took responsibility for all of the copying. OIG referred investigation of only Subject1's actions.

**University Investigation and Action:** The University concluded that Subject1 recklessly plagiarized and, as sanction, placed a letter of reprimand in the Subject's personnel file.

**OIG's Assessment:**

- **The Act:** Subject1 plagiarized 58 lines from 12 sources into 2 NSF Proposals.
- **Intent:** Subject1 acted recklessly.
- **Significant Departure:** Subject1's actions are a significant departure from the accepted practices of the research community.
- **Standard of Proof:** The preponderance of the evidence supports the conclusion regarding the act and intent, and therefore a finding of research misconduct.

**OIG Recommendation:**

- Send Subject1 a letter of reprimand notifying her that NSF has made a finding of research misconduct.
- Require Subject1 to certify completion of an RCR course.
- Require Subject1 to submit certifications for 1 year.
- Bar Subject1 from participating as a reviewer, advisor, or consultant for NSF for a period of 1 year.

### OIG's Inquiry

Our inquiry into plagiarism in an NSF Proposal<sup>1</sup> (Proposal1) found 40 lines of copied text, as well as 1 figure and 1 embedded reference, from 9 sources.<sup>2</sup> We reviewed 5 other proposals and found 18 lines of copied text in another NSF Proposal<sup>3</sup> (Proposal2) from 3 sources. Because the two proposals shared two authors in common, the PI (Subject1)<sup>4</sup> and a co-PI (Subject2)<sup>5</sup>, we sent inquiry letters<sup>6</sup> to only those two authors. In each of their replies,<sup>7</sup> both subjects agreed that the responsibility lay with Subject1. In Subject1's reply, she stated that most portions of text were cited, albeit not "properly"<sup>8</sup>, though we found that the citations provided did not contain the text in question. We wrote to Subject1 again<sup>9</sup> to ask for clarification, but in her response to the second letter,<sup>10</sup> she could not explain why the passages of text had incorrect citations.

We concluded that there was sufficient evidence to proceed to an investigation of Subject1's actions. However, we determined that allegations against Subject2 were unsubstantiated and we make no recommendations about Subject2 in this report.

### The University's Investigation

We referred an investigation to Subject1's university<sup>11</sup> (University),<sup>12</sup> which produced an Investigation Report.<sup>13,14</sup>

The University sequestered copies of Subject1's hard drives and sent her a letter, inviting her comment on the allegation.<sup>15</sup> Subject1 responded to the University's letter to reiterate that her actions were not intentional.<sup>16</sup> Consistent with its policy,<sup>17</sup> the University appointed an investigation committee (Committee) to investigate the allegation and sent her a notification of investigation.<sup>18</sup> She responded to this letter as well, expressing contrition for her actions, as well

<sup>1</sup> Tab 1, [REDACTED] entitled, "[REDACTED]" (Status: Declined).

<sup>2</sup> Tab 2.

<sup>3</sup> Tab 1, [REDACTED] (Status: Declined).

<sup>4</sup> Subject1, PI: [REDACTED]

<sup>5</sup>; Subject2, co-PI: [REDACTED]

<sup>6</sup> Tab 3, Inquiry Letters.

<sup>7</sup> Tab 4, Responses to Inquiry Letters.

<sup>8</sup> See Tab 4, Subject1's Response, pages 2-4.

<sup>9</sup> Tab 5, Second Letter from OIG.

<sup>10</sup> Tab 6, Response to Second Letter from OIG.

<sup>11</sup> [REDACTED]  
<sup>12</sup> Tab 7 contains the referral letter.

<sup>13</sup> Tab 8, The University's Investigation Report.

<sup>14</sup> Tab 9, Attachments to the University Report

<sup>15</sup> Tab 9, Attachment 1; Letter of February 7, 2012 from RIO to Subject1, page 20 of the PDF.

<sup>16</sup> Tab 9, Attachment 1, Email letter of February 28, 2012 from Subject1 to RIO, page 23 of PDF.

<sup>17</sup> See Tab 10, Integrity Policy

<sup>18</sup> Tab 9, Attachment 1, Email letter of April 12, 2012 from RIO to Subject1, pages 26-28 of PDF.

as stating that her decision to leave the University had been made the year prior before she had received the Inquiry Letter from NSF-OIG.<sup>19</sup>

The Committee determined that an interview with Subject1 would not be necessary and Subject1 declined to invoke her right to demand one.<sup>20</sup> The Committee reviewed other documents that Subject1 had co-authored, and determined only one, another NSF Proposal (Proposal3<sup>21</sup>), had been written primarily by Subject1. Because the iThenticate analysis of that proposal indicated that the document did not contain plagiarized text, the Committee concluded that there was no pattern of plagiarism.<sup>22</sup>

The Report stated Subject1 "apparently disregarded the well established rules concerning the proper use of another's words and the attribution of copied texts to their original sources."<sup>23</sup> The Committee determined, based on the preponderance of the evidence, that Subject1 recklessly plagiarized material into Proposal1 and Proposal2.<sup>24</sup> They recommended a letter of reprimand be placed in Subject1's file.

The Deciding Official<sup>25</sup> concurred with their findings and imposed the above sanction.

#### OIG's Assessment

We assessed the Report for accuracy and completeness and whether the University followed reasonable procedures in its investigation.<sup>26</sup> We found that the general procedures were reasonable and the University provided an acceptable evidentiary record. Because the documentation and review details for Proposal3 were not included with the University's Report, we opted to review Proposal3 ourselves. The copied text that we found was *de minimis*. We accepted the University's report in full.

A finding of misconduct requires that: (1) there be a significant departure from accepted practices of the relevant research community, (2) the research misconduct be committed intentionally, or knowingly, or recklessly, and (3) the allegation be proven by a preponderance of the evidence.<sup>27</sup>

<sup>19</sup> Tab 9, Attachment 1, Email letter of April 22, 2012 from Subject1 to RIO, pages 29-31 of PDF.

<sup>20</sup> Tab 9, Attachment 1, Email letter of August 23, 2012 from Subject 1 to RIO, page 34 of PDF.

<sup>21</sup> [REDACTED] entitled, [REDACTED] (Awarded) PI:

<sup>22</sup> Tab 8, University Report, p. 4.

<sup>23</sup> Tab 8, University Report, p. 4.

<sup>24</sup> Tab 8, University Report, p. 4.

<sup>25</sup> [REDACTED]

<sup>26</sup> 45 C.F.R. §689.9(a).

<sup>27</sup> 45 C.F.R. 689.2(c).

*The Act*

Subject1 admitted her responsibility for the unattributed text in Proposal1 and Proposal2. Subject1's unattributed copying is consistent with NSF's definition of plagiarism<sup>28</sup> and is a departure from the accepted practices of the research community.

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*Intent*

We agree with the Committee's assessment that Subject1's actions went above "merely being careless, but are more properly categorized as being reckless in nature, since proper checking of citations and appropriate attributions were not provided."<sup>29</sup> In assembling notes from her own and others' writing, without the due diligence that NSF requires<sup>30</sup> for citing and quoting the appropriate source texts, Subject1 acted in a reckless manner.

*Standard of Proof*

The preponderance of the evidence supports that Subject1 recklessly plagiarized and that her actions were a significant departure from the accepted practices of the relevant research community.

We therefore conclude that Subject1's actions constitute research misconduct.

**Subject1's Response to OIG's Draft Investigation Report**

The Subject responded<sup>31</sup> to tell us that she had no comments to add to our report.

**OIG's Recommended Disposition**

When deciding what appropriate action to take upon a finding of misconduct, NSF must consider:

- (1) How serious the misconduct was;
- (2) The degree to which the misconduct was knowing, intentional, or reckless;
- (3) Whether it was an isolated event or part of a pattern;
- (4) Whether it had a significant impact on the research record, research subjects, other researchers, institutions or the public welfare; and
- (5) Other relevant circumstances.<sup>32</sup>

*Seriousness*

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<sup>28</sup> 45 C.F.R. 689.1(a)(3)

<sup>29</sup> Tab 8, University Report, p. 4-5.

<sup>30</sup> NSF Grant Proposal Guide section I.D.3.

<sup>31</sup> Tab 11.

<sup>32</sup> 45 C.F.R. 689.3(b).

The amount of text copied by Subject1 was less than many cases our office has investigated and was not contiguous in either proposal. The level of seriousness is low.

*Pattern and Impact on the Research Record*

We reviewed the University's assessment of pattern, supplementing it with our own review of Proposal3; we concur with their conclusion that there is no pattern of plagiarism. Subject1's act has no effect on the published research record.

*Other Mitigating Factors*

As a part of our assessment and recommendations, we also took into consideration Subject1's background and position; she is neither a researcher nor a faculty member.

*Recommendations*

Based on the evidence, OIG recommends that NSF:

- Send Subject1 a letter of reprimand notifying her that NSF has made a finding of research misconduct.<sup>33</sup>
- Require Subject1 to certify to the Assistant Inspector General for Investigations (AIGI) completion of a responsible conduct of research training program and provide documentation of the program's content within 1 year of NSF's finding.<sup>34</sup>

For a period of 1 year as of the date of NSF's finding:

- Bar Subject1 from participating as a peer reviewer, advisor, or consultant for NSF.<sup>35</sup>
- Require for each document (proposal, report, etc.) to which Subject1 contributes for submission to NSF (directly or through his institution),
  - Subject1 to submit a contemporaneous certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication.<sup>36</sup>
  - Subject1 to submit contemporaneous assurances from a responsible official of her employer to the AIGI that the document does not contain plagiarism, falsification, or fabrication.<sup>37</sup>

<sup>33</sup> A Group I action 45 C.F.R. 689.3(a)(1)(i).

<sup>34</sup> This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).

<sup>35</sup> A Group III action 45 C.F.R. 689.3(a)(3)(ii).

<sup>36</sup> This action is similar to 45 C.F.R. 689.3(a)(1)(iii).

<sup>37</sup> A Group I action 45 C.F.R. 689.3(a)(1)(iii).

NATIONAL SCIENCE FOUNDATION  
4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DEPUTY DIRECTOR

JUL 18 2014

**CERTIFIED MAIL -RETURN RECEIPT REQUESTED**

[REDACTED]

*Re: Notice of Research Misconduct Determination*

Dear [REDACTED]:

As the Director of [REDACTED]  
[REDACTED] at [REDACTED] ("University"), you served as the Principal Investigator (PI) on two proposals that were submitted to the National Science Foundation ("NSF") Division of Computer and Network Systems. As documented in the attached Investigative Report prepared by NSF's Office of Inspector General ("OIG"), the proposals contained 58 lines of plagiarized material.

**Research Misconduct and Proposed Sanctions**

Under NSF's regulations, "research misconduct" is defined as "fabrication, falsification, or plagiarism in proposing or performing research funded by NSF ..." 45 CFR § 689.1(a). NSF defines "plagiarism" as the "appropriation of another person's ideas, processes, results or words without giving appropriate credit." 45 CFR § 689.1(a)(3).

A finding of research misconduct requires that:

- (1) There be a significant departure from accepted practices of the relevant research community; and
- (2) The research misconduct be committed intentionally, or knowingly, or recklessly; and
- (3) The allegation be proven by a preponderance of evidence.

45 CFR § 689.2(c)



Your admission that the proposals contain copied material permits me to conclude that your actions meet the applicable definition of plagiarism, as set forth in NSF's regulations.

Pursuant to NSF's regulations, the Foundation must also determine whether to make a *finding* of research misconduct based on a preponderance of the evidence. 45 CFR § 689.2(c). After reviewing the OIG Investigative Report and your admission of plagiarism, NSF has determined that, based on a preponderance of the evidence, the plagiarism was committed recklessly and constituted a significant departure from accepted practices of the relevant research community. I am, therefore, issuing a finding of research misconduct against you.

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 § 689.3(a). Group I actions include issuing a letter of reprimand; conditioning awards on prior approval of particular activities from NSF; requiring that an institutional representative certify as to the accuracy of reports or certifications of compliance with particular requirements. 45 CFR § 689.3(a)(1). Group II actions include award suspension or restrictions on designated activities or expenditures; requiring special reviews of requests for funding; and requiring correction to the research record. 45 CFR § 689.3(a)(2). Group III actions include suspension or termination of awards; prohibitions on participation as NSF reviewers, advisors or consultants; and debarment or suspension from participation in NSF programs. 45 CFR § 689.3(a)(3).

In determining the severity of the sanction to impose for research misconduct, I have considered the seriousness of the misconduct; my determination that it was committed recklessly; the fact that the misconduct had no impact on the research record; and the fact that the misconduct was an isolated incident. I have also considered other relevant circumstances. *See* 45 CFR § 689.3(b).

Based on the foregoing, I am imposing the following action on you:

- You are required to complete a comprehensive responsible conduct of research training course by July 1, 2015, and provide documentation of the program's content. The instruction should be in an interactive format (e.g., an instructor-led course, workshop, etc.) and should include a discussion of plagiarism.

All training documentation should be submitted in writing to NSF's Office of the Inspector General, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia 22230.

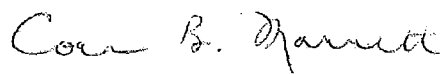
#### **Appeal Procedures for finding of Research Misconduct**

Under NSF's regulations, you have 30 days after receipt of this letter to submit an appeal of this finding, in writing, to the Director of the Foundation. 45 CFR § 689.10(a). Any appeal should be addressed to the Director at the National Science Foundation, 4201 Wilson Boulevard,

Arlington, Virginia 22230. If we do not receive your appeal within the 30-day period, the decision on the finding of research misconduct will become final. For your information, we are attaching a copy of the applicable regulations.

Should you have any questions about the foregoing, please contact [REDACTED], Assistant General Counsel, at (703) 292-[REDACTED] 5.

Sincerely,

A handwritten signature in cursive script that reads "Cora B. Marrett".

Cora B. Marrett  
Deputy Director

Enclosures:  
Investigative Report  
Nonprocurement Debarment Regulations  
FAR Regulations  
45 CFR Part 689