



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A12060043

Page 1 of 1

OIG conducted an inquiry into an allegation of plagiarism in an NSF proposal.¹ Our initial analysis found extensive plagiarism in the proposal, particularly in the Background and Plan of Work sections.

We proceeded directly to our own investigation because the institution is a small business (Company)² and because of the extent of the alleged plagiarism. The Subject³ and Company President⁴ did not dispute the allegation, but explained "the extenuating circumstances" surrounding submission of what they called an "unfinished proposal."

We concluded, based on a preponderance of the evidence, that the Subject knowingly committed plagiarism, and that the plagiarism constituted a significant departure from accepted practices of his professional community. We further concluded that the Subject authored another proposal to another federal entity that contained extensive plagiarism.

We recommended actions to be taken to protect the federal interest. The Senior Advisor to the Director concurred with our recommendations.

This memo, the attached Report of Investigation, and the decision of the Senior Advisor to the Director constitute the case closeout. Accordingly, this case is closed.

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[REDACTED]

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DIRECTOR

FEB 25 2014

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Notice of Research Misconduct Determination

Dear Dr. [REDACTED]:

You served as Principal Investigator on a proposal for funding to the National Science Foundation (NSF) entitled, [REDACTED]
[REDACTED] As documented in the attached Investigative Report prepared by NSF's Office of Inspector General (OIG), this proposal contained 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;
- (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 proposal to NSF contained substantial copied material: 224 lines, nine figures, and eleven embedded references copied from eight sources. You acknowledged this copied material and cited to exceptional personal circumstances as an explanation. The OIG obtained a second proposal you authored which was submitted previously to another USG agency. It also

contained substantial copied material: 133 lines, one figure, and six embedded references from five sources, calling into question the exceptional nature of the action in question.

Your submission of a proposal to NSF with substantial copied material constitutes plagiarism and meets the applicable definition of "research misconduct" set forth in NSF's regulations. Pursuant to NSF's regulations, the Foundation must also determine whether to make a *finding* of misconduct based on a preponderance of the evidence. 45 CFR 689.2(c). After reviewing the Investigative Report, in particular the OIG's analysis of your other proposal, NSF has determined that, based on a preponderance of the evidence, your plagiarism was committed knowingly and constituted a significant departure from accepted practices of the relevant research community. I am, consequently, 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 institution or individual obtain special prior approval of particular activities from NSF; and 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, the determination that it was committed knowingly and the finding of a pattern of plagiarism. I have also considered other relevant circumstances. 45 CFR 689.3(b).

After assessing the relevant facts and circumstances of this case and NSF's regulations, I am taking the following actions:

- Within one year of the date of this notice, you must complete a responsible conduct of research training program, for which the instruction should be an interactive format (e.g., an instructor-led course) and which specifically includes discussion of citation practices. You must provide documentation of the program's content and proof of its completion to the OIG;
- For a period of three years from the date of this notice, you are required to submit certifications to the OIG that any proposal or report you submit to NSF as a Principal Investigator (PI) or co-PI does not contain plagiarized, falsified or fabricated material; and
- For a period of three years from the date of this notice, you are required to submit assurances from a responsible official of your employer that the document does not contain plagiarism, falsification or fabrication.

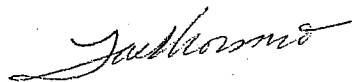
All certifications and assurances should be submitted in writing to NSF's Office of Inspector General, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia, 22230.

Procedures Governing Appeals

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] Deputy General Counsel, at (703) 292-[REDACTED].

Sincerely,



Fae Korsmo
Senior Advisor to the Director

Enclosures:
Investigative Report
45 CFR Part 689

National Science Foundation Office of Inspector General



Report of Investigation Case Number A12060043

September 3, 2013

**This Report of Investigation is provided to you
FOR OFFICIAL USE ONLY.**

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

OIG Inquiry

and Investigation: OIG identified eight sources from which 224 lines, nine figures, and 11 references were apparently copied into a declined NSF proposal. The Subject and his Company acknowledged the proposal contained inadequately cited text, but argued its inclusion was due to extenuating circumstances.

OIG concluded, based on a preponderance of the evidence, that the Subject knowingly committed plagiarism, and that the plagiarism constituted a significant departure from accepted practices of his professional community.

OIG

Assessment:

- **The Act:** The Subject plagiarized 224 lines, nine figures, and 11 references from eight sources into one proposal.
- **Intent:** The Subject acted knowingly.
- **Standard of Proof:** A preponderance of evidence supports the conclusion that the Subject committed plagiarism.
- **Significant Departure:** The Subject's plagiarism represents a significant departure from accepted practices.
- **Pattern:** The Subject authored and submitted another proposal to another federal entity that contained extensive plagiarism.

OIG

Recommendations:

- Make a finding of research misconduct against the Subject.
- Send the Subject a letter of reprimand.
- Require certifications from the Subject for a period of three years.
- Require assurances for a period of three years.
- Require certification of attending a responsible conduct of research training program within one year.

OIG's Inquiry and Investigation

OIG conducted an inquiry into an allegation that the Subject¹ submitted an NSF proposal (Proposal1²) containing copied text. Our initial analysis found 193 lines, five figures, and 11 embedded references copied from six sources.³ The copied material was contained in the Problem Background section and in Tasks 3, 4, 6, and 7 of the Plan of Work section.

Because the institution is a small business (Company)⁴ and because of the extent of the alleged plagiarism, we proceeded directly to our own investigation. We contacted the Subject and asked him to respond to the allegations, to provide his CV, and to answer additional questions.⁵

The Company provided a response,⁶ which included a cover letter signed by the Company's president (President),⁷ the Subject and the President's responses to our questions, the Subject's CV, and materials related to a non-NSF proposal⁸ (Proposal2) the Subject authored.

The President said "These violations are clear and we do not dispute your findings," but instead explained "the extenuating circumstances" surrounding submission of what he called an "unfinished proposal."⁹ The Subject, he said, wrote ninety percent of Proposal1 intending to finish it before his fiancé, who he had not seen in a year, arrived from overseas. The Subject "cut and pasted those sections from the 6 sources in question as he built the outline and wrote proposal with the plan to go back at the end to rewrite and cite them."¹⁰ However, ten days before Proposal1 was due, the Subject's fiancé arrived and they vacationed. The Subject forgot about completing Proposal1 and, "As a result and as a matter of normal process, which we are now changing, our project manager uploaded the unfinished proposal to the NSF without talking to [the Subject]."¹¹

The Subject confirmed that "This problem happened because of some personal issues that I was dealing with at the time range when I was preparing the proposal."¹² He said he intended "to rewrite the proposal with my own thoughts, but unfortunately I forgot to revise it and it was sent to NSF without my revisions."¹³ He acknowledged there was additional copied material in Proposal1 and was glad damage from the unfunded and undistributed proposal was minimal.

¹ [REDACTED]

² Tab 1: [REDACTED]

³ Tab 2: Sources A-F.

⁴ [REDACTED]

⁵ Tab 3.

⁶ Tab 4.

⁷ [REDACTED]

⁸ NASA proposal, submitted [REDACTED] (Declined).

⁹ Tab 4, pg 1.

¹⁰ Tab 4, pg 2. All quotations herein are *sic*.

¹¹ Tab 4, pg 1.

¹² Tab 4, pg 7.

¹³ Tab 4, pg 7.

As evidence that Proposal1 was not finalized, the response noted that Proposal1:

- did not include the name of a supporting person or his/her letter of support;
- did not include the Biographical Sketch of a Company employee named in the budget;
- incorrectly said the Company leased two facilities; and
- named a researcher from whose work material was copied as a suggested reviewer.¹⁴

Company employees reviewed Proposal2, the only other proposal the Subject solely authored on its behalf, and found material in the background section that, though common in the field, was inadequately cited.¹⁵

The Subject said he “never had any formal instruction or self-study on the definition of plagiarism.”¹⁶ He never took the responsible conduct of research course his graduate institution (University)¹⁷ offered, or a course on grant writing and said he uses a style manual only if the target funding agency has one. He regretted his action and “wants to contact each of the authors, apologize to them directly and do what is right.”¹⁸

The President agreed to directly mentor the Subject and said the Company already changed its internal review process to require the project manager “review all proposals at three points in the writing cycle – after outline, after the first draft and prior to upload.”¹⁹

Based on the Subject’s statements, we re-reviewed Proposal1. We re-annotated Proposal1 to include the additional copied material the Subject identified, which constituted Task 10 of the Plan of Work section.²⁰ As illustrated in the chart below, the re-annotated Proposal1 contained 224 lines, nine figures, and 11 embedded references from eight sources.

	Proposal1
Source A (article)	30 lines, 7 embedded references
Source B (article)	37 lines
Source C (article)	20 lines, 1 embedded reference
Source D (article)	70 lines, 5 figures
Source E (article)	6 lines, 1 embedded reference
Source F (article)	30 lines, 2 embedded references
Source G (PowerPoint)	1 figure
Source H (dissertation)	31 lines, 3 figures

We also reviewed Proposal2 that the Company provided and found approximately 133 lines, one figure, and six embedded references copied from five sources.²¹ We found the extent

¹⁴ Tab 4, pg 4.

¹⁵ Tab 4, pg 2.

¹⁶ Tab 4, pg 11.

¹⁷ [REDACTED]

¹⁸ Tab 4, pg 2.

¹⁹ Tab 4, pg 2.

²⁰ Tabs 5.

²¹ Tab 6.

of copied text in Proposal2, which the Company submitted to another Federal agency, extremely troubling and called into question the President's statement that the plagiarism "is out of character for" the Subject.²² First, the very existence of the substantial plagiarism leads us to conclude that the plagiarism identified in Proposal1 cannot solely be attributed to the Subject's personal circumstances. These circumstances were clearly not at issue in 2011 when Proposal2 was submitted to the other agency. Second, as in Proposal1, a significant portion of the copied text in Proposal2 is contained in the actual Work Plan and embedded references are copied along with the cut and pasted text. Third, the language in Proposal2 is changed to make the proposed research appear novel when in fact the same or similar ideas were proposed in the original sources.²³ Last, although the Subject states in Proposal2's comment boxes, that the contributions of some of the uncited authors are "fully acknowledged in Part 5.2 (Related Research) of this proposal,"²⁴ Part 5.2 does not demarcate the cited and referenced verbatim copied text; the material in that section is therefore also inadequately cited. We therefore conclude that the inadequately cited text in Proposal1 was not "out of character" for the Subject or due solely to the "extenuating circumstances," but rather inclusion of cut and pasted material is part of the Subject's repertoire and thus indicates a pattern of plagiarism. Additionally, the pattern identified leads us to conclude the Subject acted knowingly in cutting and pasting material into Proposal1.

We determined the standards of the Subject's research community by examining the standards of the Subject's University²⁵ and of two professional societies in which the Subject is actively involved.²⁶ The University, where the Subject completed his Ph.D. and research assistantship, had a research misconduct policy during his attendance.²⁷ Both professional societies, in which the Subject reported membership and at whose conferences he has presented and won awards, have relevant ethical standards. One society includes a discussion on Ethical Standards as part of its Guide to Conference Publications.²⁸ The other society's journals, in which the Subject has published,²⁹ are produced by a company whose website includes an extensive discussion of publishing ethics and who uses plagiarism detection software to examine submitted manuscripts.³⁰ Given the field in which the Subject conducts research, his graduate school's clear standards, and the standards of his professional societies, the Subject's act are clearly a deviation from accepted standards of his research community, standards with which he was to be aware.

²² Tab 4, pg 3.

²³ For example, pg 2 of [REDACTED] article states [REDACTED] while the Subject on pg 3 of the [REDACTED] writes [REDACTED]

²⁴ Tab 6, pgs 3 and 8.

²⁵ [REDACTED] University.

²⁶ [REDACTED]

²⁷ [REDACTED]

²⁸ [REDACTED]

²⁹ [REDACTED]

³⁰ [REDACTED]

OIG's Assessment

A finding of research misconduct by NSF requires that (1) there be a significant departure from accepted practices of the relevant research community; (2) the research misconduct be committed intentionally, knowingly, or recklessly; and (3) the allegation be proved by a preponderance of the evidence.³¹

The Acts

Under NSF's regulation, "Plagiarism means the appropriation of another person's ideas, processes, results or words without giving appropriate credit."³² The Subject plagiarized 224 lines, nine figures, and 11 embedded references from eight sources into one unfunded NSF proposal, that despite claims it was unfinished upon submission, was in fact submitted to NSF and underwent peer review. In so doing, the Subject offered material composed by others as his own, thereby misrepresenting his own efforts and presenting reviewers with a false representation of his knowledge of the research area. OIG concludes the Subject's actions constitute plagiarism, as defined by NSF.

The Subject's plagiarism constitutes a significant departure from accepted practices of his professional community, as explained above.

Intent

We conclude the Subject acted knowingly in plagiarizing material. Cutting and pasting material into a proposal is inherently a knowing act. As previously explained, despite the Subject's contention that he intended to rewrite the copied sections before finalizing Proposal1, the evidence indicates that the Subject had previously submitted a federal proposal containing plagiarized text. We therefore conclude the Subject's actions regarding Proposal1 were knowing.

Standard of Proof

OIG concludes that the Subject's actions and intent were proven based on a preponderance of the evidence.

OIG concludes that the Subject, by a preponderance of the evidence, knowingly plagiarized, thereby committing an act of research misconduct.³³

³¹ 45 C.F.R. § 689.2(c).

³² 45 C.F.R. § 689.1(a)(3).

³³ 45 C.F.R. part 689.

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.³⁴

Seriousness

The Subject's actions are a violation of the standards of scholarship and the tenets of general research ethics. Copied text serves to misrepresent one's body of knowledge, presenting reviewers with an inaccurate representation of a proposal's merit. Additionally, the amount of plagiarism is extensive.

Pattern

The only other proposal the Subject solely authored and submitted to a federal entity on behalf of the Company also contained extensive plagiarism.

Recommendation

Based on the evidence, OIG recommends that NSF:

- Send the Subject a letter of reprimand notifying him that NSF has made a finding of research misconduct.³⁵
- Require the Subject to certify to the Assistant Inspector General for Investigations (AIGI) his completion of a responsible conduct of research training program and provide documentation of the program's content within 1 year of NSF's finding.³⁶ The instruction should be in an interactive format (*e.g.*, an instructor-led course) and specifically include discussion on citation practices.

For a period of three years as of the date of NSF's finding:

- Require for each document (proposal, report, etc.) to which the Subject contributes for submission to NSF (directly or through his institution),
 - the Subject to submit a contemporaneous certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication.³⁷

³⁴ 45 C.F.R. § 689.3(b).

³⁵ A Group I action 45 C.F.R. 689.3(a)(1)(i).

³⁶ This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).

³⁷ This action is similar to 45 C.F.R. 689.3(a)(1)(iii).

- the Subject to submit contemporaneous assurances from a responsible official of his employer to the AIGI that the document does not contain plagiarism, falsification, or fabrication.³⁸

The Subject's Response to Draft Investigation Report

We provided the Subject with a copy of our draft report and attachments for comment. The Subject chose not to respond to our report.

³⁸ A Group I action 45 C.F.R. 689.3(a)(1)(iii).