



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A13050061

Page 1 of 1

NSF OIG received an allegation that PI1 (Subject)¹ and PI2² submitted an NSF proposal³ containing plagiarism. Our inquiry determined that Subject 1 was responsible for the plagiarism. We referred the matter to his University.⁴

The University's investigation concluded, based on a preponderance of the evidence, that the Subject recklessly and possibly knowingly committed plagiarism, deemed a significant departure from accepted practices, and took actions to protect the University's interests.

We adopted the University's findings, but determined the Subject acted knowingly. We recommended actions to be taken to protect the federal interest. The Deputy Director concurred with most of our recommendations.⁵

This memo, the attached Report of Investigation, and letter from the Deputy Director constitute the case closeout.⁶ Accordingly, this case is closed.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

⁵ Despite our recommendation, the DD did not require that the Subject be barred from serving as a reviewer, advisor, or consultant for NSF.

⁶ The DD letter indicates that the Subject is required to submit certifications and assurances for a period of four years; the requirement however is for a period of three years, as we recommended. NSF clarified this matter with the Subject.

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DEPUTY DIRECTOR

JUL 08 2014

CERTIFIED MAIL –RETURN RECEIPT REQUESTED

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

Re: Notice of Research Misconduct Determination

Dear Dr. [REDACTED]

As a professor in the [REDACTED]
[REDACTED] ("University"), you served as a Principal Investigator ("PI") on a proposal that was submitted to the National Science Foundation ("NSF"). As documented in the attached Investigative Report prepared by NSF's Office of Inspector General ("OIG"), the proposal contained 153 lines and 42 imbedded references 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, the University investigation, and your admission of plagiarism, NSF has determined that, based on a preponderance of the evidence, the plagiarism was committed knowingly 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 knowingly; 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 comply with the requirements imposed on you by the University as a result of its independent investigation.
- You are required to complete a comprehensive responsible conduct of research training course by June 24, 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.
- For a period of three years, until June 24, 2018, I am requiring that you submit certifications that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material.

- For a period of three years, until June 24, 2018, you are required to submit assurances by a responsible official of your employer that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material.

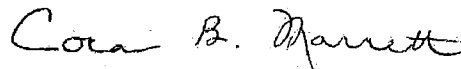
All certifications, assurances, and training documentation, should be submitted in writing to NSF's Office of the Inspector General, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia 22230.

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].

Sincerely,



Cora B. Marrett
Deputy Director

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

National Science Foundation Office of Inspector General



Report of Investigation Case Number A13050061

February 24, 2014

**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: OIG identified six sources from which 153 unique lines and 42 embedded references were copied into one declined NSF proposal. OIG referred investigation of the matter to the Subject's home institution.

**University
Investigation
and Action:**

The University concluded, based on a preponderance of the evidence, that the Subject recklessly and possibly knowingly committed plagiarism, which it deemed a significant departure from accepted practices.

The University required the Subject attend a pre-approved conference on research ethics; attend the University's annual RCR training; be ineligible to serve on faculty grant award committees until completing the previous requirements; be relieved of a current University grant; be ineligible to serve as the primary director on master's theses for two years; prepare and sign a letter informing a journal that an article it contained that he co-authored was a re-publication of a previously copyrighted article he co-authored; submit plagiarism detection software results for all proposals before submission; and not receive merit-based increases for two merit pay years or until attending the research ethics conference, whichever was later.

**OIG
Assessment:**

- **The Act:** The Subject plagiarized 153 lines and 42 embedded references into one NSF 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:** None.

**OIG
Recommends:**

- Make a finding of research misconduct against the Subject.
- Send the Subject a letter of reprimand.
- Require the Subject certify compliance with University-imposed actions.
- Require certification from the Subject for a period of three years.
- Require assurances from the Subject for a period of three years.
- Require certification of attending a comprehensive responsible conduct of research training class within one year.
- Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF for a period of two years.

OIG's Inquiry

OIG conducted an inquiry into an allegation that an NSF proposal (Proposal¹) contained copied text. We reviewed the Proposal and found, as illustrated below, that 153 unique lines and 42 embedded references were copied from six sources²:

Source	Proposal
A (article)	39 lines, 14 embedded references
B (article)	14.5 lines, 8 embedded references
C (article)	7.5 lines, 2 embedded references
D (article)	30.5 lines, 17 embedded references
E (article)	51.5 lines, 1 embedded reference
F (article)	10 lines
Total	153 lines, 42 embedded references

The copied text appeared in the Introduction, Current State of Knowledge, Field Methods, and Analytical Methods sections of the Proposal.

We contacted PI1 (Subject)³ and PI2⁴ regarding the allegations⁵ and each provided his own response.⁶ Both responses acknowledged that the Proposal contained inadequately cited text and stated that the Subject was responsible for the copied text. The Subject said:

I acknowledge, unreservedly, that in a rush to get this proposal done under a chronic deadline, I should have re-worded and applied better scholarship to these sections. This is my oversight and I take full responsibility for it. It was not done with any malicious intent or to give the proposal any advantage over others. It was simply poor judgment on my part to get it done.⁷

PI2 said the Subject "came forward immediately and has taken full responsibility for the writing identified in the highlighted sections," noting that "as a Co-PI, you must rely on the scientific integrity of your Co-PI in these efforts."⁸

The response dispelled the allegation against PI2, but not the Subject. We concluded there was sufficient evidence to proceed to an investigation.

¹Tab 1: [REDACTED] (Declined).

²Tab 2.

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⁵Tab 3.

⁶Tab 4.

⁷Tab 4, pg 1.

⁸Tab 4, pg 4.

University Inquiry and Investigation

We referred the investigation to the University⁹ which, consistent with its policies,¹⁰ conducted an inquiry that determined an investigation was warranted.¹¹ It convened a Committee, which produced a Report that it provided to our office.¹²

The Committee concluded, based on the preponderance of evidence, that the Subject recklessly "and approach[ing] knowingly" committed plagiarism, deemed a significant departure from accepted practices.¹³ It based its determination on its finding that "The [P]roposal does contain unreferenced and referenced (but not indicated as quoted) copies of parts of the referenced published works A-F"¹⁴ and on the Subject's own statements of responsibility. In his interview, the Subject said he and PI2 wrote the Proposal "essentially" in three days and near its deadline¹⁵ and explained:

It just wasn't a body of literature with which I was tremendously familiar, and [I] just quite frankly screwed it up. I had worked with paragraphs in there, because I was working and writing various bits as we moved through, and just simply should have rewritten those paragraphs that were in some of those papers in the NSF proposal.¹⁶

The Committee determined the Subject's actions were a significant departure from the accepted practice of the relevant research community, which it defined as the University and the Subject's discipline. It said the Subject's actions met the University's "definition of unethical conduct and such acts are handled as significant departures from accepted practice of our research community."¹⁷ It also said that "In his own words at the interview, [the Subject] indicated he had departed from acceptable research practices."¹⁸

Regarding intent, the Committee was "divided as to whether or not [the Subject] knows where the line was crossed on plagiarizing others' work as background to his."¹⁹ It found the Subject committed the act at least recklessly, but approaching knowingly.²⁰ The Committee arrived at this determination by reviewing for plagiarism six other proposals the Subject submitted, and published works the Subject listed on recent annual reports.²¹ It found "the same instances of

⁹ [REDACTED] Tab 5.

¹⁰ Tab 6.

¹¹ Tab 7.

¹² Tab 8. The University produced a similar, but separate report for the Provost, contained in Tab 9.

¹³ Tab 8, NSFInvestigationReport (Report), pg 1-2.

¹⁴ Tab 8, Report, pg 1.

¹⁵ Tab 8, InterviewTranscript, pg 2.

¹⁶ Tab 8, InterviewTranscript, pg 2.

¹⁷ Tab 8, Report, pg 2.

¹⁸ Tab 8, Report, pg 2.

¹⁹ Tab 8, Report, pg 2.

²⁰ Tab 8, Report, pg 2.

²¹ Tab 8, Report, pg 2-3.

plagiarism" in a nearly identical proposal submitted concurrently to the University.²² It also identified self-plagiarism in a journal article (Journal) the Subject co-authored, which was essentially identical to one he had co-authored and published under copyright in a different journal five years earlier.²³

The Committee did not identify plagiarism in the other documents it reviewed and concluded that the Subject's act of plagiarism was "an isolated event" rather than part of a pattern.²⁴ It further found the Subject's actions had no significant impact on the research record, research subjects, or the public welfare, but was "likely to impact the co-PI's willingness to work with [the Subject] or other researchers as co-PI in the future."²⁵

University Adjudication

The Committee recommended the Subject: attend, at his own expense, a pre-approved conference on research ethics; attend the University's annual Responsible Conduct of Research training; be ineligible to serve on faculty grant award committees until completing his conference attendance and training; be relieved of a current University grant, of which unspent funds would return to the program; be ineligible to serve as the primary director on master's theses for two years; prepare and sign a letter the Associate Provost would send informing the Journal that his co-authored article was a re-publication of a previously copyrighted article; submit plagiarism detection software results for all proposals before submission; and not receive merit-based increases for two merit pay years or until attending the research ethics conference, whichever was later.²⁶

The Committee further recommended one of the University's colleges²⁷ "investigate practices of declaring, determining, and rewarding **refereed** publications on faculty annual reports"; the University's Office of Sponsored Programs require electronic plagiarism analysis of external proposals before submission; and that the Office of Graduate Studies require electronic plagiarism analysis of theses and dissertations prior to their acceptance.²⁸

The Provost accepted the totality of the Committee's conclusions and recommendations.²⁹

²² Tab 8, Report, pg 3. Given the nature of this specific internal grant program, the University expects submitted proposals to be identical or near identical to those externally submitted. The Committee therefore treats the plagiarism in the internal proposal and NSF Proposal as one unit.

²³ Tab 8, Report, pg 3. The Appendix in Tab 8 contains copies of the articles, with the identical material annotated.

²⁴ Tab 8, Report, pg 4. The Appendix in Tab 8 contains a chart illustrating the Committee's analysis of other reviewed documents. See footnote 22.

²⁵ Tab 8, Report, pg 4.

²⁶ Tab 8, Report, pg 5-6.

²⁷ College of Science and Engineering.

²⁸ Tab 9, pg 5.

²⁹ Tab 10.

OIG's Assessment

OIG invited the Subject's comments³⁰ on the University Report. His response³¹ focused on the Committee's findings regarding self-plagiarism in his publications.³² He said he would "be far more careful on using work that we have previously written . . . without direct quotes or re-wording the sentences sufficiently."³³ He also said he would use plagiarism detection software on all of his writings.³⁴

OIG assessed the Report for accuracy and completeness. We found the Report to be both accurate and complete, and concluded the University followed reasonable procedures in conducting its investigation. We adopted the University's findings in lieu of conducting our own investigation, although as discussed below, we concluded the Subject acted knowingly.

We reviewed the Committee's finding regarding the Subject's re-publication of his previously published article and determined NSF did not fund the research presented in either article.³⁵ Accordingly, our office lacked jurisdiction regarding this matter and we conducted no further review.

A finding of research misconduct by NSF requires (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 proved by a preponderance of the evidence.³⁶

The Acts

The University concluded that the Subject plagiarized 153 unique lines and 42 embedded references into one declined NSF proposal. OIG concurs with the Report that the Subject's actions constitute plagiarism.

The Report found the Subject's acts constituted a significant departure from accepted practices of the University. We concur with the University's assessment.

Intent

The Report found the Subject acted at least recklessly, but potentially knowingly³⁷ by copying material directly from sources into his Proposal. We concluded the Subject acted, in fact, knowingly.³⁸ The Subject, by his own admission, prepared the Proposal hastily, cutting and pasting into it material related to topics with which he was unfamiliar. Also by his own admission, the

³⁰ Tab 11.

³¹ Tab 12.

³² See Tab 8, Appendix Analysis-RefereedPublications.pdf.

³³ Tab 12.

³⁴ Tab 12.

³⁵ eJacket indicated that neither the Subject nor the articles' co-PI, [REDACTED] had ever received NSF funding.

³⁶ 45 C.F.R. §689.2(c).

³⁷ Tab 8, Report, pg 2.

³⁸ Tab 8, Report, pg 2.

Subject knew that copying the work of others without adequate citation constitutes plagiarism. The Subject therefore knew the Proposal contained inadequately cited material, yet neglected to carefully review the Proposal's text prior to submission.

Standard of Proof

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

OIG concludes by a preponderance of the evidence that the Subject knowingly plagiarized, thereby committing an act of research misconduct.³⁹

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.⁴⁰

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 respective merit. The Subject's flawed method of preparing the Proposal is itself serious in its proclivity to incorporate inadequately cited material.

Pattern

The University did not identify a pattern; we concur with this assessment.

Subject's Response to OIG's Draft Investigation Report

We sent the Subject a copy of our draft report and he responded that he had no further comments.

³⁹ 45 C.F.R. part 689.

⁴⁰ 45 C.F.R. § 689.3(b).

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.⁴¹
- Require the Subject certify his compliance with the requirements imposed by the University as a result of its investigation.
- Require the Subject 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.⁴² The instruction should be in an interactive format (*e.g.*, an instructor-led course) and specifically include information regarding plagiarism and appropriate citation practices.

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

- Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF.⁴³
- Require for each document (proposal, report, etc.) to which the Subject contributes for submission to NSF (directly or through his institution),
 - the Subject submit a contemporaneous certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication.⁴⁴
 - the Subject submit contemporaneous assurances from a responsible official of his employer to the AIGI that the document does not contain plagiarism, falsification, or fabrication.⁴⁵

⁴¹ A Group I action 45 C.F.R. 689.3(a)(1)(i).

⁴² This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).

⁴³ A Group III action 45 C.F.R. 689.3(a)(3)(ii).

⁴⁴ This action is similar to 45 C.F.R. 689.3(a)(1)(iii).

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