

Closeout of M91020005

This case reached OIG on February 14, 1991, when we received a letter from [REDACTED], Vice President [REDACTED] the University [REDACTED]. He notified us that his institution was initiating an investigation of alleged plagiarism in grant proposal [REDACTED] submitted to NSF in [REDACTED]. The Principal Investigator and accused party was [REDACTED] in the Department [REDACTED] and the [REDACTED] at that institution. The allegation was that she had plagiarized the work of [REDACTED], who at that time was a graduate student in the department. The material allegedly plagiarized was in [REDACTED] doctoral dissertation and in a book chapter jointly written by [REDACTED]. The complainant was [REDACTED] who was a postdoctoral student and the co-PI on the proposal.

The university's investigative report reached NSF in [REDACTED]. It found that no plagiarism and no misconduct had occurred. This conclusion was based on an examination of one of the twelve passages that appeared to be copied. This passage was from the jointly written chapter, and nothing definite could be concluded as to who was the original author. The conclusion was also based on a definition of plagiarism that included the intent to deceive. The investigating committee concluded that there was no intent to deceive on the part of the subject because she felt she had made a substantial contribution to the copied material and because it was in a section of the proposal that only reviewed the literature.

OIG criticized this investigation on several counts. For example, it did not consider all of the passages that appeared to be copied. Those apparently copied from the graduate student's dissertation would not have the problem of co-authorship. OIG disagreed that an intent to deceive had to be shown in order to demonstrate the presence of plagiarism. We also noted that plagiarism can occur in the literature review section of a proposal.

On the other hand, we noted that the passages apparently taken from the dissertation were too brief to sustain a major plagiarism case, so that in view of the limited resources of OIG the case was not worth pursuing. We asked the institution to address one question about a possible conflict of interest on the part of some members of the investigating committee. When that question was satisfactorily answered, the case was closed without making a formal finding.

[REDACTED]  
[REDACTED]  
June 3, 1992

Copy: AIG-Oversight  
[REDACTED]

CONCUR:

James J. Zorkow  
6/5/92

Philip T. Bushue  
6/5/92

Diary Note  
M91-05

This case came to OIG on February 14, 1991 and was closed on June 5, 1992. On December 18, 1992, we were contacted by [REDACTED] (the informant). The informant had been contacted by [REDACTED] (the complainant), who alleged that OIG had been misinformed about the extent of the plagiarism by [REDACTED] (the subject) involved in the case, that a member of the investigating committee had a conflict of interests that should have precluded her from serving on the committee, and that the complainant had been retaliated against for being a whistleblower, an allegation that OIG had not previously considered. These allegations caused OIG to consider whether to reopen the case.

OIG has determined that there is no substance to these allegations. The purpose of this document is to explain why we have decided not to reopen the case.

With regard to the plagiarism allegation, OIG examined the article that the subject co-authored with a postdoctoral fellow, the postdoctoral fellow's dissertation, and the NSF proposal that the subject and the complainant co-authored. OIG concluded that the alleged copying from the dissertation (i.e., not from the paper that the postdoctoral fellow co-authored with the subject) was minimal. We had determined in past cases that comparable copying did not rise to the level of misconduct. When we initially closed this case based on the university's investigation report, we concluded that for OIG the alleged copying appeared not to be sufficiently serious to constitute a serious deviation from accepted practice and hence to be misconduct under NSF's definition. We have received no new evidence that calls this conclusion into question.

With regard to the alleged conflict of interests, we concluded that there was no substance to the allegation. Before OIG closed this case, we received assurances from the Vice President for Research at the university that the members of the investigating committee had no disqualifying conflicts of interests. At that time, we were aware of certain affiliations that the subject and certain committee members had in common, and we concluded that these did not constitute a conflict of interests. After the case was closed, the complainant informed us that a member of the investigating committee had been listed as a participating faculty

member on the subject's National Institutes of Health training grant. OIG concluded that this shared involvement, which provided the committee member with no financial benefit, did not constitute a conflict of interests and did not materially affect our understanding of the relationship between the subject and the committee member. We therefore concluded that there was no reason to question the Vice President's description of the relationship between the subject of the investigation and the members of the investigating committee and that we had not closed the case on the basis of erroneous information from the university.

With regard to the alleged retaliation, OIG concluded that the complainant's first allegation of misconduct in science involving an NSF proposal or award occurred in the spring of 1990. The subject alleged that she was retaliated against in October, 1989. Because this alleged retaliation preceded her NSF related misconduct allegation, it does not involve NSF.