



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A08100049

Page 1 of 1

Our investigation determined that the Subject¹ knowingly plagiarized in proposals submitted to NSF. NSF made a finding of research misconduct by the Subject; sent a letter of reprimand to the Subject; required the Subject to submit certifications to the Assistant Inspector General for Investigations (AIGI), NSF OIG for four years; required the Subject's employer to submit assurances to the AIGI of NSF OIG for four years; prohibited the Subject from serving as a reviewer of NSF proposals for four years; and required the Subject to provide certification to the AIGI that he has completed a course on the proper conduct of research.

This memo, the attached Report of Investigation, the letter from NSF with a finding of research misconduct, and the NSF Director's decision on the Subject's appeal, constitute the case closeout. Accordingly, this case is closed.

¹ [REDACTED]

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230

JAN 5 2012



OFFICE OF THE
DIRECTOR

RECEIVED 4/12

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

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

Re: Notice of Research Misconduct Determination

Dear [REDACTED]:

From 2005-2008, you served as a Principal Investigator ("PI") on six proposals submitted for funding to the National Science Foundation ("NSF"). As documented in the attached Investigative Report prepared by NSF's Office of Inspector General ("OIG"), these proposals 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; 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 proposals contained 335 unique lines of text copied from 35 source documents, as well as 118 embedded references. By submitting proposals to NSF that copied the ideas or words of another without adequate attribution, as described in the OIG Investigative Report, you misrepresented someone else's work as your own. Your conduct unquestionably constitutes

plagiarism. I therefore conclude that your actions meet the definition of “research misconduct” set forth in NSF’s regulations.

Pursuant to NSF 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, 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, 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 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, and our determination that it was committed knowingly. I have also considered the fact that your misconduct was part of a pattern of plagiarism, and had no impact on the research record. In addition, I have considered other relevant circumstances. 45 CFR § 689.3(b).

After assessing the relevant facts and circumstances of this case, I am taking the following actions against you:

- (1) Until December 15, 2015, you must provide certifications to the OIG that any proposal or report you submit to NSF as a PI or co-PI does not contain plagiarized, falsified, or fabricated material;
- (2) Until December 15, 2015, you must obtain, and provide to the OIG, assurances from a responsible official of your employer that any proposal or report you submit to NSF as a PI or co-PI does not contain plagiarized, falsified, or fabricated material;
- (3) By December 15, 2012, you must attend a training course in the responsible conduct of research, and provide a certificate of attendance to the OIG that you have completed such a course; and
- (4) Until December 1, 2015, you are prohibited from serving as a merit reviewer for NSF.

The certifications, assurances, and certificate of attendance should be submitted in writing to OIG, 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 decision, 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, this decision will become final.

For your information, we are attaching a copy of the applicable regulations. If you have any questions about the foregoing, please call [REDACTED], Assistant General Counsel, at (703) 292-8060.

Sincerely,

A handwritten signature in black ink, appearing to read "Wanda Ward", with a stylized, flowing script.

Wanda Ward
Senior Advisor to the Director

Enclosures

- Investigative Report
- 45 C.F.R. Part 689

NATIONAL SCIENCE FOUNDATION

4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230

APR 18 2012



OFFICE OF THE
DIRECTOR

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

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

Re: Decision on Appeal of Research Misconduct Determination

Dear [REDACTED]

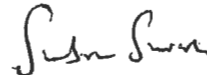
On January 5, 2012, Dr. Wanda Ward, Senior Advisor to the Director, issued a Notice of Research Misconduct Determination against you. This Notice was issued based on NSF's finding that you submitted six proposals to NSF that contained plagiarized material. In this Notice, NSF: (1) required you to submit certifications and assurances with any proposals or reports filed with NSF until December 15, 2015; (2) prohibited you from serving as an NSF reviewer until December 15, 2015; and (3) ordered you to complete a training course on the responsible conduct of research by December 15, 2012. On February 8, 2012, you appealed NSF's finding of research misconduct. This letter constitutes NSF's decision on your appeal.

Your appeal is denied. As outlined in the NSF's Office of Inspector General investigative report, you admitted to the University investigation panel that you often used a "cut and paste" method to assemble information from your proposals. According to the panel report, on several occasions, you replaced one or two nouns from the source material to bring the text into agreement with the subject of the proposal. In addition, you changed the verb tense in methods sections from what *was* done in a prior research effort to what *would* be done in your proposed research. These specific actions taken by you to integrate copied text into your proposal are indicative of a knowing intention to adopt another's text as your own. Thus, NSF has affirmed the finding that your actions were committed knowingly, and constitute research misconduct.

Moreover, NSF finds that the actions taken against you by NSF as a result of your research misconduct are reasonable, and commensurate with the misconduct that you committed. Thus, with this decision, NSF is upholding them in their entirety.

If you have any questions about the foregoing, please call Lawrence Rudolph, General Counsel, at (703) 292-8060.

Sincerely,

A handwritten signature in dark ink, appearing to read "Subra Suresh". The signature is fluid and cursive, with the first name "Subra" and last name "Suresh" clearly distinguishable.

Subra Suresh
Director

National Science Foundation Office of Inspector General



Confidential Report of Investigation Case Number A08100049 5 August 2011

**This Confidential 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 confidential report of investigation.

Executive Summary

OIG's inquiry established that:

- Ten of the Subject's unfunded NSF proposals contained text copied from multiple source documents.

University's inquiry and investigation concluded that:

- The Subject copied text into 6 NSF proposals;
- The Subject's actions were reckless;
- The Subject's actions were a departure from the standards of the research community; and
- The Subject's actions constitute academic misconduct.

OIG concludes that:

- **Act:** The Subject plagiarized approximately 355 unique lines of text into 6 proposals submitted to NSF over a period of 3 years.
- **Intent:** The Subject acted knowingly.
- **Standard of Proof:** A preponderance of the evidence supports the conclusion that the Subject's acts were a significant departure from accepted practices, and therefore constitute research misconduct.
- **Pattern:** The Subject displayed a distinct pattern of plagiarism over 6 proposals.

OIG recommends that NSF:

- Make a finding of research misconduct against the Subject;
- Send a letter of reprimand to the Subject;
- Require that the Subject submit certifications to AIGI, NSF OIG for four years that any submissions to NSF do not contain falsified, fabricated, or plagiarized material;
- Require that the Subject provide assurances from his employer to AIGI, NSF OIG for four years that any submissions to NSF do not contain falsified, fabricated, or plagiarized material;
- Prohibit the Subject from serving as a merit reviewer of NSF proposals for four years; and
- Require the Subject to provide certification to NSF OIG of attendance at a training course in responsible conduct of research within 1 year of the finding of research misconduct.

OIG Inquiry

The Subject and others¹ submitted 10 proposals² to NSF over a 3-year period. Our inquiry analysis showed that these proposals contained in total approximately 600 lines of copied text, including numerous embedded citations, apparently copied from 51 different source documents.³ The Subject was PI or co-PI on all 10 proposals. Subject 2 was co-PI on 5 proposals, and Subject 3 was the PI on 4 proposals. We initiated our inquiry by writing to the Subject, Subject 2, and Subject 3, to invite their explanation.⁴

The Subject stated⁵ that he was not responsible for any copied text in proposals on which Subject 3 was the PI because he did not write those sections.⁶ For the 6 proposals on which he is PI,⁷ the Subject stated that he used some of the materials from some of the source documents in these proposals.⁸ However, he maintained that “I did not intent [sic] to copy since I have made all the efforts to give credit to the authors(s) and to cite the source documents both in the text and in the list of references – except in few cases where the source documents(s) is listed only in the list of references and in very few cases, the source document is not appearing in the text and/or in the list of references by error.”⁹ In explaining why copied text was not properly attributed, the Subject responded:

Most of the areas underlined or highlighted by NSF are located in the background section of the proposals. Since the background section intends to introduce works of the other scientists, my aim was not to copy the work of others but on the contrary to introduce these works as the main sources on the field. By doing that I was confident that I have cited the sources properly, [sic] Following your letter I

1 [REDACTED]
[REDACTED]
[REDACTED]

[illegible]

Each proposal was declined for funding.

³ Sources include both web pages and published papers.

⁴ Letters of inquiry to the Subject, as well as to Subjects 2 and 3 are at Tab A.

⁵ Subject's response is at Tab B.

⁶ Subject's response, page 1 (Tab B)

⁷ Proposals 2, 4, 6, 7, 8, and 9.

⁸ Subject's response, page 1 (Tab B).

⁹ Subject's response, page 1 (Tab B).

have noticed that my citation work was not always consistent, and from my perspective, this situation is an issue of citation and formatting.¹⁰

Subject 2 provided a detailed and annotated response¹¹ documenting material he had provided for each of the five proposals on which he was listed as coPI; none of his contributions contained unattributed copied text. Based on our inquiry, we also learned that Subject 3 was deceased. We therefore took no further action regarding Subject 2 and Subject 3.

The Subject's response did not dispel the allegation, and we referred the investigation to the Subject's University.¹²

University Inquiry

Pursuant to its policy, the University first conducted an inquiry. The inquiry committee report¹³ stated:

In order to properly address the large number of charges, the committee members reviewed each of the instances of alleged plagiarism indicated in the NSF letter and categorized each instance into one of five [sic] categories, in order of increasing seriousness:

1. Short statements of facts, or well-known ideas; whose appearance in both the proposal and the reference paper could not be unequivocally attributed to plagiarism.
2. Sections of text appearing in background sections of the proposals with attribution to the cited reference, but without indication that the text used was a direct quote.
3. Sections of text appearing as background material for the proposals without attribution to the source reference.
4. Sections of text appearing in the research plan or experimental procedure sections of the proposals that are not properly attributed to source documents and thus could confuse a reviewer about the experience and capabilities of the investigator.¹⁴

The inquiry committee report stated that "The majority of the instances indicated in the NSF report fell into Categories 2 and 3. For Category 2, an appropriate reference is cited, yet the

¹⁰ Subject's response, page 2 (Tab B),

¹¹ Tab B.

¹² Referral of investigation letter is at Tab C.

¹³ The University inquiry report is at Tab D.

¹⁴ Inquiry committee report, page 2 (Tab D). These distinctions and the differing levels of seriousness assigned to them are not specifically supported by University policy.

text is mostly word-for-word. Category 3 items are of more concern since they do not include an appropriate reference to the source document containing the mostly word-for-word text.”¹⁵

The inquiry committee report summarized:

In further discussion of why there were a large number of instances of un-attributed direct quotations from source documents in the proposals, several reasons were identified, including the following: (1) Inclusion of graduate student work in the proposal without oversight review, (2) A practice of using copy-and-paste to compose background sections of the proposal with the intention of rewriting those copied sections later, but the rewrite was inadvertently not performed due to time constraints, (3) Using descriptions of existing research protocols without clearly identifying which publications were the source of those procedures. This latter case was the typical explanation for those Category 4 instances that we questioned him about. He pointed out that references to sources for those protocols are included, but we observe that the inclusion of such references is not so close to the use of the borrowed text, and it is not easy for a reader to distinguish what is part of some existing protocol and what are new proposed ideas/experiments.¹⁶

The inquiry committee found there to be sufficient credible evidence of academic misconduct to warrant further investigation of copying in six of the Subject’s NSF proposals,¹⁷ and the University initiated an investigation.¹⁸

University Investigation

We received a copy of the University investigation committee (IC) report.¹⁹ The IC reviewed the proposals and alleged sources previously examined by the inquiry committee, and interviewed the Subject.²⁰ As part of its investigation, the committee requested our assistance in assessing the Subject’s additional proposals using plagiarism-checking software. We assessed those documents using the software, and provided the results directly to the IC.²¹

In a statement to the IC, the Subject stated he did “not accept any intention of plagiarism, because when I was writing this proposal, I made all the efforts to give credits to authors.”²² He asserted that instances of more serious plagiarism identified in the inquiry report should be reclassified as less-serious instances.²³ The Subject stated to the IC that graduate students

¹⁵ Inquiry committee report, page 3 (Tab D).

¹⁶ Inquiry committee report, page 4 (Tab D).

¹⁷ The six proposals are those identified in our referral letter, viz Proposals 2, 4, 6, 7, 8, and 9. The other four proposals had Subject 3 (deceased) as PI. The University believed it would be difficult to establish authorship responsibility for these 4 proposals.

¹⁸ Tab E.

¹⁹ Tab F.

²⁰ The transcript of the Subject’s interview by the IC is at Tab G.

²¹ The documents provided and the program results are available for inspection.

²² Subject interview transcript, page 3 (Tab G).

²³ The IC did not reclassify any of the instances of plagiarism classified by the inquiry committee.

assisted in the preparation of some of his proposals, and provided some of the material alleged to be copied.²⁴ The IC did not contact any of the Subject's graduate students to confirm their involvement in proposal preparation.

The IC report stated:

It is the unanimous opinion of the Investigation Panel that plagiarism did take place in the series of submitted research proposals to NSF detailed in Appendix 1. Moreover, the Panel is in agreement with the Inquiry Team's conclusions and findings (Appendix III). The evidence that supports the findings of fact is set forth in the annotated proposals analyzed by NSF, [Subject's] testimony to the Panel and his description of the cut-and-paste process he often followed in his proposal writing, and additional proposals and papers submitted by the Panel and analyzed by NSF. In his testimony (Appendix II), [Subject] argued to reclassify (and reduce) the degree of seriousness of some of the instances of matching text identified by NSF, but he did not dispute his use of text without explicit quotations and/or citation.²⁵

The IC concluded by a preponderance of the evidence that the Subject committed plagiarism, and that the Subject's "practice of copying text directly, or nearly directly, without quotation and, on occasion, without proper attribution, is a departure from accepted practice in this research community."²⁶

In its discussion of the Subject's intent, the IC report stated:

In the Panel's opinion it stretches credibility that [the Subject] would not realize that his habit of electronically lifting large sections of text from other sources while composing a proposal is a dangerous practice that could easily lead to instances of plagiarism, intended or otherwise. The Panel further notes that in several instances verbatim text from source material was interrupted to replace one or two nouns in order to bring the text into agreement with the subject of the proposal, or to change the verb tense in methods sections from what *was* done in a prior research effort to what *will be* done in [the Subject's] proposed research. After examining the record as a whole, the Panel finds that [the Subject's] actions display a lack of care in his work and a dismaying disregard for consequences.²⁷

The IC, however, drew no specific conclusion with respect to the Subject's intent. In a letter conveying the report to the Chancellor for adjudication, the Vice Chancellor concluded that the Subject's intent was reckless.²⁸

The IC considered the issue of a pattern of behavior by the Subject, and stated:

²⁴ None of the Subject's proposals list graduate students as authors.

²⁵ IC report, page 2 (Tab F).

²⁶ IC report, page 2 (Tab F).

²⁷ IC report, page 3 (Tab F).

²⁸ Vice-Chancellor's letter to the Chancellor, page 2 (Tab H).

The original NSF proposals are sufficient in volume and number to establish a pattern of plagiarism. As noted above, analysis of additional material revealed instances of plagiarism, although less so than the NSF proposals. In his interview, [the Subject] admitted that he commonly used this cut-and-paste writing style when he was under time pressure, which was common in his proposal writing.²⁹

The IC determined that the Subject's actions had no significant impact on the research record, research subjects, other researchers, institutions or the public welfare since none of the proposals were funded. The IC expressed concern about the impact on the Subject's students given the Subject's example of lack of attention to details of proposal composition.³⁰

The IC recommended that the Subject receive training on the responsible conduct of research, that for a limited period of time his proposals and publications be supervised by a senior colleague to prevent a recurrence of plagiarism, and that the Subject's students also receive specific training on plagiarism. The IC also recommended that the University embark upon responsible conduct of research training for all faculty and graduate students, and adopt a program through which a sample of proposals from pre-tenure faculty are proactively analyzed for plagiarism.³¹

Pursuant to University policy, the Subject was asked to comment on the IC report. The Subject provided no comments. The Vice Chancellor recommended that the Subject be prohibited from seeking funding through grants or contracts submitted from the University for a period of 6 months, and that the Subject complete a course on the responsible conduct of research. The Chancellor made a finding of academic misconduct by the Subject, and agreed with the recommended sanctions.³²

OIG's Assessment

We invited the Subject to comment on the University IC report, but received no comments. We concluded that the IC report was factually accurate and complete, and that the University followed reasonable procedures. We accept the report in its determination of the basic facts of this matter. However, as discussed below, we disagree with the University's assessment of intent, and we explicitly describe the Subject's departure from accepted practices as significant. We agree with the University that it would be difficult to prove authorship responsibility for the 4 other proposals³³ where Subject 3 was the PI. Therefore, we also have removed them from further consideration under this investigation. One of the coPIs is deceased. Although a coPI responded to our inquiry letter and delineated composition responsibility for some parts of NSF proposals, other coPIs were not contacted by the University committee.

²⁹ IC report, page 4 (Tab F).

³⁰ IC report, page 4 (Tab F).

³¹ IC report, page 4 (Tab F).

³² The prohibition on the submission of grants or contracts through the University expires February 23, 2011. The training in the responsible conduct of research has been specified as the course offered online through the Collaborative Institutional Training Initiative (www.citiprogram.org).

³³ Proposals 1,3,5,and 10

A finding of research misconduct by NSF requires that 1) there be a significant departure from accepted practices of the relevant research community, that 2) the research misconduct be committed intentionally, or knowingly, or recklessly, and that 3) the allegation be proved by a preponderance of the evidence.³⁴

The Act

The Subject copied approximately 355 lines of text into six unfunded NSF proposals without proper attribution, as shown in the Table.

Proposal ³⁵	Copied lines	Embedded references	Number of sources
2	60 unique	35	5
4	85 unique	1	5
6	25 unique, 14 repeat	18	6
7	145 unique	41	12
8	37 unique, 8 repeat	22	4
9	3 unique, 12 repeat	1	3
TOTAL 6 proposals	355 unique lines	118	35³⁶

The IC concluded that the Subject's actions were a deviation from the standards of his community. The Subject asserted that he provided appropriate credit to the authors of the text that he reused, but the facts clearly show otherwise since: the copied text is not differentiated from other text in the proposals; the Subject copied 118 embedded references with the text he copied; and any citations to copied text often did not exist even in the vicinity of the copied text. The University made a finding of academic misconduct; University policy states that "Any practice or conduct by a member of the University community that seriously deviates from those ethical standards for proposing, conducting and publishing research that are commonly accepted within the professional community constitutes academic misconduct in violation of University policy."³⁷

The Subject habitually composed his proposals by cut-and-pasting large swaths of text. Contrary to his assertion, in fact he made no effort to provide credit to authors, as he provided no quotation, no citation, and no reference. The committee described this as a "dismaying disregard for the consequences."³⁸ Based on these facts, we conclude that the Subject's actions were indeed a significant deviation from accepted practices.

³⁴ 45 C.F.R. §689.2(c).

³⁵ The proposal numbers are those listed within the footnote earlier in this report.

³⁶ The source documents include 18 papers, 15 websites, and 3 reports.

³⁷ [REDACTED] page 3 (Tab H).

³⁸ IC report, page 3 (Tab F).

Intent

The University Vice Chancellor concluded that the Subject's intent was reckless, sufficient for a finding of research misconduct. However, we conclude that the Subject's intent was knowing. The Subject described his method of proposal composition for the University IC as cut-and-paste copying of text. We were unconvinced by the Subject's claims that his planned editing did not occur because of time constraints, given the extent of copying in NSF proposals that extends over a period of years. It is implausible that the Subject's practice of cut-and-paste copying into his proposals, and changes of verb tense within that text, can be reconciled with anything but a calculated willingness to present the words of others as the Subject's own. The Subject's after-the-fact assertions that the copied text is of limited value as background material or experimental protocol are contradicted by his inclusion of this text in his proposals to support the competitiveness of his submission. We conclude that the Subject's intent was distinctly knowing.

Standard of Proof

Based on our review and review of the University's IC report, we conclude that the preponderance of the evidence indicates that the Subject copied text into his proposal without appropriately distinguishing that text from his own work. Further, we conclude that the Subject's actions are a significant departure from accepted practices.³⁹

Because the preponderance of the evidence shows that the Subject's plagiarism was a significant departure from accepted practices, we conclude that the Subject's plagiarism therefore constitutes research misconduct.

OIG 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 copied approximately 355 lines of text into six NSF proposals. In so doing, the Subject presented that text to NSF proposal reviewers as his own. The University IC found that the Subject's plagiarism is a departure from accepted practices, but we believe that under all the circumstances, including our analysis of the Subject's intent, the plagiarism is a significant

³⁹ The Subject's biographical sketch is at Tab I. Subject's research discipline is within the field of [REDACTED] and he has worked with the [REDACTED]. As an example of the standards prevalent in the Subject's community, the [REDACTED] has an extensive discussion of professional ethics on its website: [REDACTED]. There is a specific definition of plagiarism within that discussion: [REDACTED]

⁴⁰ 45 C.F.R. § 689.3(b).

departure from accepted practices. The Subject's plagiarism in NSF proposals extended over a period of years, and appears to represent his usual and customary practice for preparing NSF proposals. Serial plagiarism of this extent is a serious breach of research ethics. We are concerned that the Subject does not recognize this breach, as he continued to assert through the investigation that he provided due credit to the authors of his sources.

Degree of Knowing Intent

The Subject claimed to the IC that he was unaware that his cut-and-paste copying could be considered as plagiarism. The IC found this argument unconvincing, citing the Subject's practices as evidencing a "lack of care" and a "dismaying regard for its consequences."⁴¹ A telling example of knowing intent is evident in Proposal 6. One embedded citation in the copied text is not linked to the corresponding reference in the References Cited section of the proposal, although all of the other embedded citations are. The missing reference in the source document is a publication described as "in press." The Subject would not have access to this publication and therefore could not cite it as a reference in his proposal. This calculated act reveals the subject's intent was indisputably knowing.

Pattern

The IC concluded that the Subject's actions were part of a pattern in NSF proposals. The Subject's recurrent plagiarism in NSF proposals over a period of years is clear and compelling evidence for a pattern of behavior by the Subject.

Impact on the Research Record

Each of the Subject's NSF proposals was declined; the impact of the Subject's plagiarism on the research record is therefore limited to activities related to NSF merit review of those proposals.

Subject's comments on the draft Report of Investigation

We provided a draft copy of this report of investigation to the Subject for comments. In his response (Tab J), the Subject provided comments on: 1) University Investigation; 2) The Failure to Attribute; 3) Intent; 4) Seriousness; 5) Degree of Knowing Intent; and 6) Recommendation.

University Investigation:

The Subject correctly noted that he provided to the inquiry committee the name of the graduate student who provided him material that he later incorporated into his NSF proposal. We amended one sentence in the draft report of investigation to accurately describe that the Subject named the student. However, the Subject's assertion in his response that the inquiry committee report stated that he "was not personally responsible for many of the items" is incorrect. The inquiry report stated that "the [material provided by the graduate student to the

⁴¹ IC report, page 3 (Tab F).

Subject, and by the Subject to the committee] was intended as evidence that [the Subject] was not personally responsible for many of the items in evidence item 1B [Proposal 4]. . . .” This statement merely describes the Subject’s intent in offering the evidence, without saying whether the evidence had the intended effect on the committee. Ultimately, the inquiry committee implicitly rejected the Subject’s argument by finding credible evidence of plagiarism in the proposal. Further, the IC did not contact any graduate students to confirm their involvement in proposal preparations. Similarly the IC concluded that the Subject was personally responsible for the copied material. The Subject made no specific claims to either the inquiry committee or the IC about student participation in the preparation of the five other proposals that contain copied text.

Intent:

The Subject claimed that the plagiarism was inadvertent and not intentional. The Subject added “However, I do not believe that my conduct, although falling below standards, was reckless or intentional.” The Subject correctly notes that the IC did not reach a conclusion on the Subject’s intent. However, as noted in Tab H of the draft Report of Investigation, the Vice Chancellor for Research specifically determined the Subject’s intent to be reckless. We concluded that the Subject’s actions were knowing.

Recommendation:

The Subject noted that he has abided by the University adjudication of the case, which included a six-month ban on submission of proposals. This University-imposed ban ended February 23, 2011. Further, the Subject noted that he has not submitted external proposals since February 2, 2010.⁴² He notes that he has already completed a web-based ethics training course.⁴³

We conclude that our recommendations, including certifications and assurances, and completion of an instructor-led course in the responsible conduct of research, remain consistent with previously adjudicated cases and sufficient to protect NSF’s interests.

Recommendations

We recommend that NSF:

- Make a finding of research misconduct against the Subject;
- Send a letter of reprimand to the Subject;⁴⁴
- Require that the Subject certify for four years that any submissions to NSF do not contain falsified, fabricated, or plagiarized material;⁴⁵

⁴² The Subject’s most recent proposal to NSF [REDACTED] was submitted September 17, 2009.

⁴³ The certificate of completion is dated February 20, 2011. This on-line course was specifically required by the University.

⁴⁴ A letter of reprimand is a Group I action, 45 C.F.R. § 689.3(a)(1)(i).

⁴⁵ A certification from the subject is analogous to listed Group I actions, 45 C.F.R. § 689.3(a)(1).

- Require that the Subject obtain assurances from a responsible official of his employer for four years that any submissions to NSF do not contain falsified, fabricated, or plagiarized material;⁴⁶
- Prohibit the Subject from serving as a merit reviewer of NSF proposals for four years;⁴⁷ and
- Require the Subject to provide certification to NSF OIG of attendance at a training course in responsible conduct of research within one year of the finding of research misconduct.⁴⁸

Subject's certifications, assurances, and certificate of attendance should be sent to the Assistant Inspector General for Investigations.

⁴⁶ Assurance from the subject's employer is analogous to listed Group I actions, 45 C.F.R. § 689.3(a)(1).

⁴⁷ Prohibition from service as a reviewer for NSF is a Group III action, 45 C.F.R. § 689.3(a)(3)(ii).

⁴⁸ A course requirement is analogous to listed Group I actions, 45 C.F.R. § 689.3(a)(1).