



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A09030017

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 three 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, and the letter from NSF with a finding of research misconduct constitute the case closeout. Accordingly, this case is closed.

¹ [REDACTED]

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DIRECTOR

NOV 16 2011

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

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

Re: Notice of Research Misconduct Determination

Dear [REDACTED]:

From 2004 - 2008, you submitted seven proposals to the National Science Foundation ("NSF"). These proposals are identified in footnote 2 of the attached Investigative Report prepared by NSF's Office of Inspector General ("OIG"). As documented in this Report, these proposals contained plagiarized material.

Research Misconduct and 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 text copied from numerous source documents. 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 recklessly. I have also considered the fact that your misconduct was part of a pattern of plagiarism, and had no substantive impact on the research record, as well as 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 November 1, 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 November 1, 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) You are prohibited from serving as a peer reviewer of NSF proposals until November 1, 2014; and
- (4) Prior to submitting additional proposals to NSF, but no later than November 1, 2012, you must take a course on the proper conduct of research. You must provide certification to the OIG of your attendance at such a course.

The certifications and assurances should be submitted in writing to NSF's 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 cursive script, appearing to read "Wanda Ward".

Wanda Ward
Senior Advisor to the Director

Enclosures:

Investigative Report
45 C.F.R. Part 689

National Science Foundation Office of Inspector General



Confidential Report of Investigation Case Number A09030017

7 July 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:

- copied text appeared in seven of the Subject's NSF proposals.

University's investigation concluded that:

- the Subject plagiarized text into four NSF proposals;
- the Subject's actions were a significant departure from the standards of the research community; and,
- the Subject's actions constitute academic misconduct.

OIG concludes that:

- **Act:** The Subject plagiarized approximately 618 lines of text into 7 proposals submitted to NSF over a period of 5 years.
- **Intent:** The Subject acted recklessly.
- **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's actions are part of a pattern of plagiarism.

OIG recommends that NSF:

- Make a finding of research misconduct against the Subject;
- Send a letter of reprimand to the Subject;
- Debar the Subject for a period of 1 year;
- Require that the Subject submit certifications to AIGI, NSF OIG for 4 years after debarment ends 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 4 years after debarment ends 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 3 years after debarment ends; 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's Inquiry

We assessed an allegation that seven of the Subject's¹ NSF proposals² contained copied text. Our review of these proposals revealed approximately 618 unique lines of text apparently copied from 21 sources. The table below identifies the extent of the copied text in the seven proposals

Proposal	Number of Unique Copied Lines	Unique Sources
A	192	7
B	39	4
C	55	5
D	96	1
E	31	1
F	12	1
G	193	1

We wrote the Subject to invite his explanation.³ The Subject replied⁴ that he copied some material from the indicated sources, but claimed that any omission of references was unintentional. The Subject claimed that some copied text was provided to him by his students. The Subject did not address the absence of quotation marks or other distinguishing features for any of the copied text, and did not dispel the allegation. We referred an investigation to the Subject's University.⁵

University's Inquiry and Investigation

Pursuant to its policy,⁶ the University first conducted an inquiry. The inquiry committee considered the seven annotated proposals and apparent sources provided in our referral letter, and the Subject's response to our inquiry letter. The inquiry committee divided the seven NSF proposals into two groups. Three proposals⁷ were characterized by the inquiry committee as containing relatively less copied text than the remaining four proposals, or text copied only into the background section. The inquiry committee concluded that copying in these proposals did

¹ [REDACTED]
² [REDACTED]

None of these proposals was funded by NSF.

³ Our inquiry letter to the Subject is at Tab 1.

⁴ Subject's response is at Tab 2.

⁵ [REDACTED] The referral of investigation letter is at Tab 3.

⁶ University policy is at Tab 4.

⁷ Proposals B, E, and F.

not merit further investigation.⁸ The inquiry committee recommended investigation of apparent plagiarism in the remaining four proposals. The Vice Chancellor for Research⁹ appointed an investigation committee (IC),¹⁰ charged it specifically with examination of the four proposals identified by the inquiry committee, but stated that the IC could also examine the other three proposals.

We received a copy of the IC report, supporting documents, and University action letters.¹¹ The Subject again stated that he regularly asked graduate students to provide text for the background section of the proposals, specifically Proposal G which had text provided by his current graduate student. However, the IC interviewed the student who denied ever writing such materials for the Subject.

Based on the evidence, the IC unanimously concluded, by a preponderance of the evidence, that the Subject committed plagiarism, that the plagiarism was a departure from accepted practices of the relevant research community, and that the Subject's actions were reckless.¹² The IC stated:

[the Subject] admitted to leaving the writing of the background material in these proposals to graduate students and not reviewing it carefully, if at all. . . . In all cases when asking students, to participate in proposal preparation, the norm is to carefully review the work. In this case, at least one of the students had weak English skills as observed directly by the panel. [The Subject] was well aware of that, and should have, under normal circumstances, been prepared to proofread any sections written by this or any other student. It is inexplicable that he did not review and/or edit what the student wrote. There is no excuse for this admitted behavior of [the Subject].¹³

The IC concluded that the Subject's actions of plagiarism were not part of a broader pattern. The IC based its conclusion after examining three non-NSF proposals submitted by the Subject and a publication coauthored by the Subject, none of which contained plagiarism. While eschewing the conclusion of a pattern of behavior by the Subject, the panel nevertheless describes that "plagiarism was pervasive and reckless in the documents identified by the NSF."¹⁴ The IC concluded that the Subject's actions "did not have a significant effect on the research record, research subjects, other researchers, institutions, or public welfare."¹⁵ This conclusion was based on its assessment that plagiarism was limited to the NSF proposals, and the fact that none were funded.

The IC recommended that the Subject be prohibited from seeking funding through grants or contracts for a period of one year, and that he be removed from an advisory and research

⁸ This distinction, however, is not supported by University policy (Tab 4).

⁹ [REDACTED]

¹⁰ Three University faculty members were appointed to the IC; they did not serve on the inquiry committee.

¹¹ All materials received from the University are at Tab 5.

¹² IC report, page 2 (Tab 5).

¹³ IC report, page 2 (Tab 5). The Subject's actions relate to preparation of proposal G.

¹⁴ IC report, page 2 (Tab 5).

¹⁵ IC report, page 2 (Tab 5).

supervision role for his students.¹⁶ The Subject responded to the IC report in a letter to the University Vice Chancellor for Research as follows: "As I have mentioned before I would like to state my innocence in this matter but I completely take responsibility for my oversight of the material that was provided to me."¹⁷ The Subject asked that the proposed prohibition of submission of grant and contract proposals be made retroactive.

The University Vice Chancellor recommended that the University Chancellor prohibit the Subject from submitting grant and contract proposals through the University for six months, and that the Subject be removed from an advisory and supervision role for the student allegedly involved in the proposal preparation, and complete training on the responsible conduct of research.¹⁸ The Chancellor agreed with the recommendation.¹⁹

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 fundamentally accurate and complete, and that the University followed reasonable procedures. However, we did not agree with the University that only four of the seven instances of copied text were egregious. Our assessment considers copied text in all seven proposals submitted by the Subject.

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.²⁰

Acts

The Subject's copying of text extended over a period of years in multiple NSF proposals. The pervasiveness of copied text in NSF proposals over a period of years contrasts with the Subject's claim of unintentional copying, or the lack of time to edit students' submissions of text to him for use in his proposals. The Subject was responsible for approximately 618 lines of copied text in his NSF proposals. The NSF Grant Proposal Guide is clear: *NSF expects strict adherence to the rules of proper scholarship and attribution. The responsibility for proper attribution and citation rests with authors of a proposal; all parts of the proposal should be prepared with equal care for this concern.*²¹ The Subject is reasonably aware of standards for proper scholarship and attribution, having received M.S. and Ph.D. degrees at a major research university,²² and publishing papers in the major journals within his field.²³ We concur with the

¹⁶ IC report, page 3 (Tab 5).

¹⁷ Subject's response letter to the Vice Chancellor for Research, 9 June 2010.

¹⁸ The Vice Chancellor specified afterwards that this requirement was to be fulfilled by completion of the on-line Collaborative Institutional Training initiative course on the Responsible Conduct of Research.

¹⁹ The prohibition on submission of grant and contract proposals extends until 23 February 2011.

²⁰ 45 C.F.R. §689.2(c).

²¹ NSF Grant Proposal Guide, Chapter I, Section D.3.

²² [REDACTED]

²³ Subject's biographical sketch from Proposal G is at Tab 6, which also includes the Subject's faculty web page and personal page at the University.

Institution that in failing to ensure adequate attribution to the text of other authors, the Subject committed plagiarism, and his actions significantly departed from accepted standards of the research community.

Intent

The IC characterized the Subject's actions as reckless, sufficient for a finding of research misconduct. The IC's particularly noted the extensive plagiarized text in Proposal G, which the Subject claimed was due to the student's copying from a review article. The IC emphasized the incongruity of the Subject's stated awareness of the student's weak English skills, and then his reckless acceptance and use of the student's contribution in his NSF proposal without editorial review. The IC characterized the Subject's actions in preparation of Proposal G as inexcusable. We concur with the University that the Subject's intent in the totality of his acts was egregiously reckless.

Standard of Proof

We concur with the University that the preponderance of the evidence proves that the Subject failed to provide adequate attribution to the text of other authors.

Because the preponderance of the evidence proves the Subject recklessly plagiarized text into his NSF proposals, and because these actions represent a significant departure from accepted practices, we conclude that the Subject's plagiarism constitutes research misconduct.

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.²⁴

Seriousness

The Subject copied approximately 618 lines of text into seven NSF proposals. In so doing, the Subject presented that text to NSF proposal reviewers as his own. The University IC found, and we concur, that the Subject's plagiarism is a significant departure from accepted practices. The Subject's pattern of plagiarism in NSF proposals extended over a period of years. Serial plagiarism must be considered a very serious breach of research ethics.

The extent of plagiarism by the Subject in this case far exceeds the level for which NSF has made previous findings of research misconduct, and put in place requirements for certifications and assurances. The extent of plagiarism is evidenced by the number of lines of text copied, the number of proposals in which copied text appears, and the number of years over

²⁴ 45 C.F.R. § 689.3(b).

which the Subject's pattern of plagiarizing in proposals to NSF endured. We believe that the extent of plagiarism in this case is sufficient to make a recommendation for debarment.

Degree to which the Act was Reckless

As an example of degree of intent, the Subject, according to his own account, accepted extensive text and references prepared by a student whose English skills were weak, and incorporated it unchanged and unedited into his NSF proposal.²⁵ The IC concluded that the Subject's lack of suspicion about the publication-quality composition from a student with weak English skills,²⁶ coupled with the fact that the Subject claims to have provided the source publication to the student as a reference, was inexcusably reckless. We concur.

Pattern

The IC concluded that the Subject's actions were not part of a broader pattern, based on their evaluation of three other proposals submitted by the Subject and a publication.²⁷ However, 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

All of the Subject's NSF proposals were 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 7), the Subject accepted responsibility for checking for plagiarism in his proposals, but stated that ongoing medical treatments affected his ability to review materials that students had provided. The Subject described the recommendation of a one year debarment as harsh, and requested that it be made retroactive to August 23, 2010, which was the effective date of the University adjudication of the case.²⁸

The Subject did not dispute any of the facts established in our investigation. We conclude that our recommendations for debarment, certifications and assurances, and for attending an ethics course remain appropriate and sufficient to protect NSF's interests.

²⁵ Proposal G.

²⁶ The text was copied from a review article in a prestigious scientific journal.

²⁷ IC report, page 3 (Tab 5).

²⁸ In response to a similar request from the Subject, the University modified several actions. We conclude that a retroactive debarment erodes the purpose of a debarment in protecting the government's interests.

Recommendations

We recommend that NSF:

- Make a finding of research misconduct against the Subject;
- Send a letter of reprimand to the Subject;²⁹
- Debar the Subject for a period of 1 year;³⁰
- Require that the Subject certify for 4 years after debarment ends that any submissions to NSF do not contain falsified, fabricated, or plagiarized material;³¹
- Require that the Subject obtain assurances from a responsible official of his employer for 4 years after debarment ends that any submissions to NSF do not contain falsified, fabricated, or plagiarized material;³²
- Prohibit the Subject from serving as a merit reviewer of NSF proposals for 3 years after debarment ends;³³ and
- Require the Subject to provide certification to NSF OIG of attendance at a training course in proper conduct of research within 1 year of the finding of research misconduct.³⁴

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

²⁹ A letter of reprimand is a Group I action, 45 C.F.R. § 689.3(a)(1)(i).

³⁰ Debarment is a Group III action, 45 C.F.R. § 689.3(a)(3)(iii).

³¹ A certification from the subject is analogous to listed Group I actions, 45 C.F.R. § 689.3(a)(1).

³² Assurance from the subject's employer is analogous to listed Group I actions, 45 C.F.R. § 689.3(a)(1).

³³ Prohibition from service as a reviewer for NSF is a Group III action, 45 C.F.R. § 689.3(a)(3)(ii).

³⁴ A course requirement is analogous to listed Group I actions, 45 C.F.R. § 689.3(a)(1).