

NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A09040025

Page 1 of 1

OIG conducted an inquiry into an allegation that the Subject¹ submitted an NSF proposal containing copied text. During the inquiry we identified copied material in two NSF proposals. The Subject's response to our inquiry did not dispel the allegation, and we referred the matter to the Subject's institution for investigation.

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

We adopted the University's findings. We concluded, based on a preponderance of the evidence, that the Subject recklessly committed plagiarism, deemed a significant departure from accepted practices, and recommended actions to be taken to protect the federal interest. The Deputy Director concurred with our recommendations.

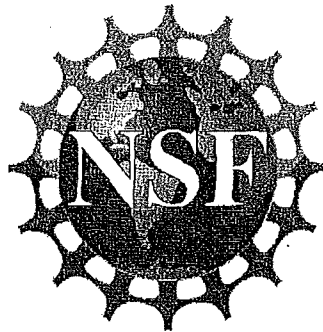
This memo, the attached Report of Investigation, and the Deputy Director's letter constitute the case closeout. Accordingly, this case is closed.

¹ [REDACTED]

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National Science Foundation Office of Inspector General



Confidential Report of Investigation Case Number A09040025 January 18, 2011

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Executive Summary

Allegation: Plagiarism.

OIG Inquiry: OIG identified three sources from which approximately 73 lines, one figure and 10 embedded references were copied into two declined NSF proposals. OIG referred the matter to the Subject's home institution.

University's Investigation and Action: The University concluded, based on a preponderance of the evidence, that the Subject recklessly committed plagiarism, deemed a significant departure from University practices.

The University sent the Subject a letter of reprimand and required he cancel his upcoming sabbatical; write apologies to his former student and NSF program officers; attend an ethics training course and complete RCR certification; design a research integrity and plagiarism workshop for University faculty and researchers; resign from activity with University affiliated-research, to include panel membership, conference attendance, and any role on current or pending proposals and grants, for two years; not participate in any state or federally funded research activities for two years; not mentor or advise graduate students for two years; and teach four courses for the following three semesters and three courses for the fourth semester.

**OIG
Assessment:**

- **The Act:** The Subject plagiarized 73 lines, one figure, and 10 embedded citations, from three sources into two proposals.
- **Intent:** The Subject acted recklessly.
- **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:** No pattern, outside of the two NSF proposals, was established.

**OIG
Recommends:**

- 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 one year after University action;
- Require assurances from the Subject for a period of one year after University action;
- Bar the Subject from serving NSF as a reviewer for one year; and
- Require certification of attending an ethics class within one year.

OIG's Inquiry

Our office received an allegation that a PI¹ (Subject) included plagiarized material in his NSF proposal (Proposal 1²). We reviewed Proposal 1 and another proposal he submitted as PI (Proposal 2).³ We determined that the proposals contained 73 lines, 1 figure, and 10 embedded citations, copied from 3 source documents, as indicated in the following chart:

Source	Proposal 1 (Declined)	Proposal 2 (Declined)
A (Ph.D. Thesis)	41 lines; 1 figure; 10 embedded references	
B (Article)		21 lines
C (Article)		11 lines
Total Lines (UNIQUE)	41 lines; 1 figure; 10 embedded references	32 lines

We contacted the Subject regarding the allegation.⁴ In his response,⁵ he acknowledged the copied material and took responsibility for the plagiarism, but said he did "not see that anybody's ideas were misused" as the annotated material consisted only of background or common procedural material.⁶ Regarding Proposal 1, he said Source A was a former student's (Student 1⁷) Ph.D. thesis and that "[Student 1] gave the [specific]⁸ code and the description to our modeling group."⁹ Another student (Student 2¹⁰), "a junior member and former PhD [sic] student":

inserted the model description. . . . I never even questioned the material since I had for years instructed my students to be careful and alter the language slightly to avoid just the current problem.

Then on the NSF proposal, [Student 2] opted out of being a Co-I [sic] due to many other commitments. [Student 2] was to be an unfunded investigator. I took the [code]¹¹ write up and inserted it in the NSF proposal.

¹ [REDACTED]
[REDACTED]
² Tab B: [REDACTED]
[REDACTED]
(Declined). The collaborating proposal was [REDACTED] (Declined).

³ NSF Proposal [REDACTED] (Declined).

⁴ Tab B, Inquiry Letter.

⁵ Tab C.

⁶ Tab C, pg 4.

⁷ [REDACTED]
⁸ [REDACTED] hereinafter "the Code," an acronym for [REDACTED]
[REDACTED]

⁹ Tab C, pg 3.

¹⁰ [REDACTED] He is named as co-PI on Proposal 2; he is neither PI nor Co-PI of Proposal 1.

¹¹ The Code.

[Student 1] gave the code and supporting material to [Student 2] and [Student 1] should have been acknowledged in the proposal.¹²

The Subject however said he included this material in Proposal 1 and "should have rewritten the [code]¹³ description."¹⁴

Regarding Proposal 2 and Sources B and C, the Subject cited "sloppy practices that occurred in the rush to get the proposals out the door."¹⁵ He said different group members (graduate students) cut and pasted material without proper citation, and that plagiarism would have been avoided if "quotes were used for the 'holding material'."¹⁶ He concluded:

Our proposal was unique and challenging, and we were not duplicating anybody else's work. Nevertheless, sections from other works clearly were used improperly (should have been quoted or just rewritten), and I, as PI, have to take responsibility for this oversight, regardless of how it occurred or by whom. All we can do at this stage is to apologize to NSF and to the authors of the papers and take steps to prevent any such occurrences in the future.¹⁷

OIG determined the Subject's response did not dispel the allegation. First, text copied verbatim without quotations or a reference to the source, into any section of a proposal, is plagiarism. Second, the Subject provided no proof that Student 1 voluntarily provided the description; in fact, Student 1 stated:

To my surprise I found that the description that they wrote for the model they'll use [the code]¹⁸ came right out from my dissertation . . . and also a Figure 1.1 is used in the proposal . . . But I didn't find the right acknowledgment of the source for the figure, or for the text . . . I haven't provided this figure or the text to the PIs either.¹⁹

We therefore determined there was sufficient substance to the allegation and referred the investigation to the Subject's Institution.²⁰

¹² Tab F, Letter 2, pg 1.

¹³ The Code.

¹⁴ Tab C, pg 4.

¹⁵ Tab C, pg 3.

¹⁶ Tab C, pg 3.

¹⁷ Tab C, pg 4.

¹⁸ The Code.

¹⁹ Tab A, email dated April 2, 2009. OIG interviewed [REDACTED] on August 18, 2010, via telephone, during which she reiterated she had not directly provided her dissertation or code to the Subject or his laboratory (Tab K).

²⁰ [REDACTED] Tab D contains the referral letter.

University Inquiry and Investigation

Consistent with University policy,²¹ the Vice President for Research (VPR)²² appointed a Preliminary Action Officer (PAO)²³ to conduct a preliminary inquiry. The PAO concluded, "there was 'reasonable cause' to believe that plagiarism had occurred."²⁴ The Subject had "no comments to make"²⁵ in response to the PAO's conclusion.

The VPR then appointed an *ad hoc* investigating Committee (Committee) to conduct the investigation. The Committee reviewed documents NSF and University employees provided and produced an Investigation Report (Report).²⁶

Based on the Subject's own statements, the Committee concluded, by a preponderance of the evidence, that the Subject committed plagiarism, an act constituting a significant departure from accepted practices of the relevant research community. The Committee relied on policy statements from the University's Faculty Handbook to establish the accepted practices of the relevant research community.²⁷

Regarding intent, the Committee determined the Subject's action "showed a pattern of reckless writing practices[,] not merely a careless mistake."²⁸ Its conclusion was based on the Subject's statement "that some sentences were placed in the early stages of the proposal preparation for consideration intended as place-holders, but without quotes."²⁹

In conclusion, the Committee stated:

It is the belief of the committee that this statement indicates a lack of understanding of the definition of plagiarism and that simply 'rewording' or 'altering the language slightly' does not remove the plagiarism. The committee is concerned that students, junior faculty members, and co-investigators have been provided with insufficient guidance on ethical standards for scholarly work.³⁰

The Committee recommended sanctions restricting the Subject in his University capacity and requiring plagiarism education.³¹

²¹ Tab E, University Policy and Procedures.

²² [REDACTED]

²³ [REDACTED]

²⁴ Tab E, Letter 1.

²⁵ Tab E, Letter 2.

²⁶ The committee did not interview the Subject who was out of the country during the investigation. The VPR however interviewed the Subject prior to University adjudication.

²⁷ Tab F, Report.

²⁸ Tab F, Report, pg 4.

²⁹ Originally in Tab C, quoted in Tab F, Report, pg. 4.

³⁰ Tab F, Report, pg 3.

³¹ Tab F, Report.

University Adjudication

The VPR received the Report, interviewed the Subject, and concluded:

I believe he shows almost no understanding of the seriousness of the allegations against him, and displays an unwillingness or inability to take personal responsibility for the integrity of his actions. . . .³²

He continued:

[The Subject] cannot possibly instill in his students a level of professional or ethical standards that he himself is unwilling or unable to demonstrate.³³

Lastly,

[the Subject's] writings and actions do not indicate that he comprehends the extent to which his actions reflect upon, and put at risk, the entire research enterprise at [the University] . . . [the Subject] either does not appear to understand or does not appear to care, about the extent to which his actions reflect upon the entire University research enterprise.³⁴

The VPR recommended the Subject be separated from the University in order to display the University's commitment to ethics and integrity in research.³⁵ However, the VPR provided alternate sanctions such as prohibiting the Subject from all funded research for two years; requiring he step down as PI on any current grants, withdraw from any pending proposals, and cease acting as a graduate student mentor; assigning him a maximum course load for the next two years, and requiring attendance at and teaching of a plagiarism workshop.³⁶

The Provost³⁷ reviewed the Report, its attachments, and the VPR's recommendations, and recommended the Subject:

- receive a letter of reprimand to remain in his personnel files;
- lose pending sabbatical privileges;
- write an apology letter to his former student and cognizant NSF program officers;
- attend an integrity and plagiarism workshop on his own funds and complete responsible conduct of research (RCR) certification within four weeks;

³² Tab G, Letter 1, pg 2.

³³ Tab G, Letter 1, pg 2.

³⁴ Tab G, Letter 1, pg 2.

³⁵ Tab G, Letter 1, pg 3.

³⁶ Tab G, Letter 1, pg 3.

³⁷

- design and provide a research integrity and plagiarism workshop for all University faculty and researchers;
- be prohibited from all University-affiliated research for a two-year period, to include participation in panel discussions, advisory panels, attendance and presentations at conferences, and serving as a PI, co-PI or in any research capacity on proposals or grants;
- be prohibited from participating in any federal or state funded research activities for two years;
- be prohibited from mentoring and advising graduate students at his University for two years; and
- be assigned to teach four courses for the next three academic semesters and three courses for the fourth semester.³⁸

The VPR gave the Subject the option to accept these actions or have a Faculty Hearing Panel review the matter. The Subject accepted the Provost's actions.³⁹

OIG's Assessment of the Investigation and Report

The Institution provided OIG with its report and investigation material. We provided the Subject with an opportunity to comment.⁴⁰ The Subject chose not to respond.

OIG assessed the report and the supplementary documents for accuracy and completeness, and found the Report to be accurate and complete. The University followed reasonable procedures in conducting its investigation, and produced an acceptable evidentiary record. We therefore adopted its findings, and accepted the report in lieu of conducting our own full investigation.

We noted, however, that the Committee did not examine any of the Subject's other proposals or publications, but rather concluded the Subject's plagiarism constituted a pattern of plagiarism based on the two NSF proposals. We examined other documents the Subject authored. We found that the Subject submitted 31 proposals to NSF from 1982 to 2009. Though his earlier proposals (1982-1992) were submitted without co-PIs, the more recent proposals (1994-2009, excluding a 1996 and a 1998 proposal) either have co-PIs or name the Subject as co-PI. As such, we found the Subject has no recent proposals on which he is sole PI, meaning none in which copied material could be attributed directly to him. Similarly, although the Subject has authored more than 100 publications,⁴¹ he is generally neither their leading nor sole author. We examined two of his recent publications⁴² and did not identify copied text.

³⁸ Tab G, Letter 2, pgs 1-2.

³⁹ Tab G, Letter 2, pg 3.

⁴⁰ Tab J.

⁴¹ See Tab I.

⁴²

OIG's Assessment

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.⁴³

The Acts

The University concluded the Subject plagiarized nearly two and a half pages of text: 73 lines, 10 embedded citations and one figure from three source documents (one dissertation and two article publications) into two proposals, an act deemed a significant departure from accepted practices of the University. OIG concurs with the University's assessment.

Intent

Based on the Subject's assertions that Student 2 inserted Source A material and that graduate students inserted Source B and C material without citation as "holding material,"⁴⁴ the University concluded the Subject acted recklessly in plagiarizing material into Proposals 1 and 2. We concur with the Committee's assessment.

Standard of Proof

The University made its determination based on a preponderance of the evidence. We concur with the Committee's assessment.

OIG concludes the Subject, by a preponderance of the evidence, recklessly plagiarized, thereby committing an act of research misconduct.⁴⁵

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.⁴⁶

⁴³ 45 C.F.R. §689.2(c).

⁴⁴ Tab C, pg 3.

⁴⁵ 45 C.F.R. part 689.

⁴⁶ 45 C.F.R. § 689.3(b).

Seriousness

The Subject's actions are a violation of the standards of scholarship and the tenets of general research ethics and those within his research community. First, the extent of the plagiarism – 73 lines, one figure, and ten embedded references, from three sources into two declined proposals – is substantive. Second, the copied text served to misrepresent the Subject's body of knowledge and prior research experience, inaccurately portraying the proposals' respective merit to the reviewers.

Degree to Which Action was Reckless

OIG finds that the Subject acted recklessly. The Subject acknowledged his proposals contained inadequately cited material. A reasonable person is expected to know that using verbatim text without demarcation and representing work he did not complete as his own is not acceptable. Further, inserting the work of students in a proposal bearing your name and for whom you are responsible without first carefully examining their work product is characteristic of a reckless act. We therefore find the Subject's actions to be inherently reckless.

Pattern

OIG and the University did not establish a pattern of plagiarism, outside of Proposals 1 and 2.

Impact on the research record

There is no evidence of any impact on the research record as a result of the plagiarism.

Recommendation

Based on the evidence and sanctions already imposed by the Subject's institution, OIG recommends NSF:

- Send a letter of reprimand to the Subject informing him that NSF has made a finding of research misconduct;⁴⁷
- Require the Subject to certify to OIG's Assistant Inspector General for Investigations (AIGI) that proposals or reports he submits to NSF do not contain plagiarized material for one year, commencing at the conclusion of the University's actions;⁴⁸
- Require that the Subject submit assurances by a responsible official of his employer to OIG's AIGI, that proposals or reports submitted by the Subject to NSF do not contain plagiarized material for one year, commencing at the conclusion of the University's actions;⁴⁹

⁴⁷ A letter of reprimand is a Group I action (45 C.F.R. §689.3(a)(1)(i)).

⁴⁸ Certification by an individual is a final action that is comparable to the final actions listed in 45 C.F.R. §689.3(a).

⁴⁹ Requirement for assurances is a Group I action (45 C.F.R. §689.3(a)(1)(iii)).

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- Bar the Subject from serving NSF as a reviewer for one year, commencing on the date of NSF's finding of research misconduct;⁵⁰ and
- Require the Subject to provide the syllabus for the research integrity and plagiarism workshop he designed at the direction of the University.⁵¹

⁵⁰ Prohibition from serving as a reviewer is a Group III action (45 C.F.R. §689.3(a)(3)(ii)).

⁵¹ Completing an ethics course is a final action that is comparable to the final actions listed in 45 C.F.R. §689.3(a).

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230

MAY 19 2011



OFFICE OF THE
DIRECTOR

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

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

Re: Notice of Research Misconduct Determination

Dear Dr. [REDACTED]

In 2007, you submitted a proposal to the National Science Foundation ("NSF") entitled, [REDACTED]. In 2008, you submitted another proposal to NSF entitled, [REDACTED]. 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 verbatim and paraphrased text and figures, as well as embedded references, copied from several 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 recklessly 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 not part of a pattern, and had no 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 April 15, 2013, 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 April 15, 2013, 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 an NSF reviewer, advisor, or consultant until May 18, 2012; and

- (4) By July 1, 2011, you must provide to the OIG a copy of the syllabus for the research integrity and plagiarism workshop you designed at the direction of the University.

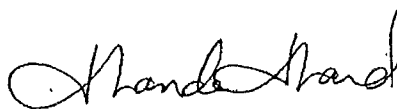
The certifications, assurances, and syllabus should be submitted in writing to OIG, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia 22230.

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 cursive script, appearing to read "Wanda Ward".

Wanda Ward
Senior Advisor to the Director

Enclosures:

Investigative Report
45 C.F.R. Part 689