



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A10070053

Page 1 of 1

We received an allegation that a proposal contained plagiarism; the proposal listed a PI and two co-PIs as authors. Our Inquiry showed an Investigation was warranted, and we referred the matter to the grantee. It concluded one of the co-PIs committed research misconduct when she plagiarized, and it took appropriate actions. It concluded the PI plagiarized, but it did not rise to the level of research misconduct, and the other co-PI was exonerated.

We concurred with the grantee's conclusions and referred the case against the co-PI to NSF for adjudication with recommendations to make a finding of research misconduct and take additional actions. NSF concurred with our recommendations and took several actions in response. We sent the PI a questionable research practice letter advising him to follow better citation practices. Accordingly, this case is closed with no further action taken. Our report, NSF's decision, and this Closeout Memorandum constitute the documents for the case closeout.

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DEPUTY DIRECTOR

JUL 16 2012

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

[redacted]

Re: Notice of Research Misconduct Determination

Dear Dr. [redacted]

In 2010, you served as a co-Principal Investigator ("co-PI") on a proposal submitted for funding to the National Science Foundation ("NSF") entitled, [redacted]. As documented in the attached Investigative Report prepared by NSF's Office of Inspector General ("OIG"), this proposal 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 proposal contained approximately 118 unique lines of text copied from nine source documents. By submitting a proposal 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 an isolated incident, and that it did not have a significant 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 July 1, 2014, 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 July 1, 2014, 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 July 1, 2014, you must certify your completion of the training course mandated by the University as a result of its findings in this matter, and provide documentation of the program's content to the OIG; and

- (4) Until July 1, 2014, you are prohibited from serving as a reviewer, advisor, or consultant for NSF.

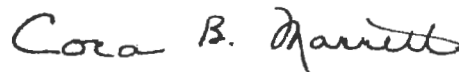
The certifications, assurances, and training documentation should be submitted in writing to NSF's OIG, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia 22230.

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 that reads "Cora B. Marrett".

Cora B. Marrett
Deputy Director

Enclosures

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

National Science Foundation
Office of Inspector General



Confidential
Report of Investigation
Case Number A10070053

2 March 2012

**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

Allegation: Plagiarism.

OIG Inquiry: We found one NSF proposal contained text copied from multiple sources without proper citation. We contacted the subjects (a PI and two co-PIs), whose responses confirmed an Investigation was warranted, so we referred the matter to the University.

University

Investigation: The University concluded one subject (a co-PI) committed research misconduct, one subject (the PI) was careless in her citation practices, and exonerated the third subject (a co-PI). It reprimanded the co-PI, required monitoring of her proposals and publications for 3 years, and required her to take a research ethics course. It cautioned the PI to be more careful about his citations.

OIG

Investigation: We concluded the University's investigation could be used in lieu of our own independent investigation and accepted its findings.

The Act: The Subject (co-PI) plagiarized approximately 118 unique lines of text from 9 source documents into an NSF proposal.

Intent: The Subject acted knowingly.

Significant Departure: The Subject's plagiarism represents a significant departure from accepted practices.

Standard of Proof: A preponderance of the evidence supports the conclusion that the Subject committed research misconduct.

Pattern: There is no evidence to suggest a pattern of plagiarism.

OIG

Recommendations:

Send a letter of reprimand to the Subject informing her that NSF has made a finding of research misconduct and require the Subject to:

- Certify for 2 years that any documents she submits to NSF do not contain plagiarism, falsification, or fabrication.
- Obtain assurances from her university's Research Integrity Officer, or appropriate official, for 2 years that any documents she submits to NSF are either entirely her own writing or are properly cited.

- Certify her completion of the training program as required by the University as a result of its finding and provide documentation of the program's content within 2 years of NSF's finding.
- Prohibit the Subject from serving as a reviewer, advisor, or consultant on NSF proposals for 2 years.

OIG's Inquiry

Our office received an allegation that an NSF proposal¹ contained plagiarism. The proposal lists a PI (Subject 1) and two co-PIs (Subjects 2-3).² Our review of the proposal found approximately 113 lines of verbatim text, including 19 embedded references, copied from 9 sources. We wrote to the subjects,³ who replied⁴ that Subject 3 was not responsible for any of the proposal sections containing copied text. Subject 2, who was responsible for the majority of the questioned text, said she re-wrote some text from sources verbatim, but said it was not plagiarism because she cited the source. Subject 1 said he used improper citation techniques, but also denied it was plagiarism. Since the subjects' explanations did not dispel the allegation, we referred the matter to their home institution (the University).⁵

University's Investigation

The University conducted an investigation,⁶ and its investigative committee (IC) reviewed the documents we provided and interviewed the three subjects. The IC concluded that Subject 3 was not responsible for any of the copied text and exonerated him. The IC discussed various definitions of plagiarism (including its own, NSF's and the American Medical Association's) and community standards. It concluded it is an accepted, and expected, practice in academia to distinguish between summarizing and interpreting others' ideas and data, and closely paraphrasing or copying others' word by which those ideas are expressed.⁷

The IC determined Subject 1 was responsible for copying from sources C and G, while Subject 2 was responsible for copying from sources A, B, D-F, and H. Subject 1 and Subject 2 each said the other was responsible for the copying from source I. Based on the evidence, the IC concluded that in the original draft proposal from Subject 2, the text from source I was cited, and the citation was accidentally moved by Subject 1 during editing. Thus, the IC concluded there was no plagiarism with respect to source I.

¹ [redacted]

The proposal was submitted by [redacted]
(the University) and was declined. Tab 1 included the proposal and sources.

² The PI (Subject 1) was [redacted], and the co-PIs are [redacted]
(Subject 2) and [redacted] (Subject 3).

³ Our Inquiry letter to the subjects is Tab 2.

⁴ The subjects' responses are Tab 3.

⁵ Our referral letter is Tab 4.

⁶ Tab 5 contains the IC's report and its appendices.

⁷ The IC reasoned if a secondary source merely copied or paraphrased an original source, it added nothing to the primary source and would not require attribution. If a secondary source, however, summarized and interpreted ideas presented by others, it adds value and requires citation.

IC Assessment of Subject 2's Actions

From source A, which is a management plan posted on a federal agency webpage,⁸ the IC identified 20 instances of copying by Subject 2 into the proposal. The IC concluded approximately 90% of one section in the proposal was copied verbatim from this document. Because this document summarized and interpreted primary sources, the IC concluded it should have been cited and the copied passages distinguished. The IC concluded the copying met the definition of plagiarism and the act departed significantly from accepted practices. Like source A, sources B⁹ and H¹⁰ were documents on government web sites from which Subject 2 copied. Subject 2 admitted copying from these documents and told the IC she thought she could copy from those documents without attribution because they were public knowledge. The IC opined Subject 2 is confused by the distinction between public domain and public knowledge. Because of Subject 2's professed lack of knowledge about the proper community standards, the IC concluded her coping from these documents was committed recklessly.

The IC spent considerable effort analyzing copying from source D, which is similar to source A in that both are secondary sources that summarize and interpret information and data from primary papers, but from which Subject 2 copied text verbatim and attributed it to the embedded (primary) references. Subject 2 claimed to have never seen source D, which is an excerpt of a book published on a state agency web page.¹¹ Given the substantive, verbatim copying from source D, together with Subject 2's inability to explain how her own words so precisely duplicated those from source D, the IC found her explanation "hard to believe, and therefore unacceptable."¹² Subject 2 suggested that even if there was a similarity between her words and those of source D, another author had also used similar words, also citing to one of the embedded references, thus attempting to discredit the allegation by asserting that another author had done what she had. The IC analyzed the primary and secondary sources and concluded: "The *tu quoque* argument, aside from being a logical fallacy, breaks down upon checking the facts."¹³ The IC drew a picture illustrating the flow of words and citation from primary to secondary sources, and the inclusion of "verbatim, non-cited material with embedded references" within Subject 2's proposal.¹⁴ Because Subject 2 could not explain how her text in the proposal appears copied verbatim from a document she had never seen, yet was carefully edited to flow with her other text, the IC concluded Subject 2's copying from source D was knowing plagiarism.

⁸ It is a [redacted] Plan and appeared on the [redacted]

web

page.

⁹ An essay posted on the [redacted] web page.

¹⁰ An analysis and summary article posted on the [redacted] web site.

¹¹ The [redacted]

¹² Tab 5, report, p. 12.

¹³ *Id.*

¹⁴ *Ibid.*, p. 13.

The IC dismissed the copying from sources E-F as being careless restating of common methodologies and definitions, which is a departure, but not significant departure from established practice.

With regard to Subject 2, the IC concluded her plagiarism fell into two patterns. The first is attributing text copied from secondary sources to primary sources, and the second is confusing public domain with public knowledge. It reasoned short passages may be constrained by technical content and the desire for simplicity, but that would not explain verbatim copying of extended passages, such as copied from sources A and D. Thus, the IC concluded the evidence ruled out errors and Subject 2 was culpable in several instance of reckless plagiarism, and at least one instance of knowing plagiarism, all of which it deemed research misconduct.

IC Assessment of Subject 1's Actions

As noted above, the IC attributed copying from sources C and G to Subject 1. The IC concluded the copying from these sources was closely paraphrased and somewhat technical in nature. It accepted Subject 1's explanation that he was careless in following expected citation standards. Thus, it concluded Subject 1's actions did not constitute research misconduct.

IC Conclusions

The IC recommended Subject 2:

- Be sent a strong letter of reprimand, which will remain in her permanent record;
- Have her publications and proposals monitored for 3 years to ensure there is no plagiarism in them; and
- Attend a university-level research ethics course equivalent to 15 hours of instruction within 2 years. The course should not be on-line and must include a treatment of proper citation techniques.

The IC recommended Subject 1:

- Be sent a personal letter of disapproval; and
- Attend an ethics course that includes a treatment of proper citation techniques.

The IC recommended Subject 3 be sent a personal letter that he has been cleared of all suspicion of plagiarism regarding the proposal.

To be proactive in the responsible conduct of research and protect the University's reputation, the IC recommended the University establish a series of workshops for faculty and graduate students for concentrate on RCR topics.

The adjudicator¹⁵ accepted the findings and recommendations of the IC regarding the three subjects and issued the appropriate letters.

OIG's Assessment

We consider the University's investigation accurate and complete and to have followed reasonable procedures. Accordingly, we accept its investigation in lieu of conducting our own. We generally agree with the University about its evaluation of the evidence and its conclusions. Specifically, we agree Subject 3 is exonerated. With regard to Subject 1, we disagree with the IC that his copying from sources C and G was careless. Like Subject 2, he copied from a secondary source and attributed it to an embedded (primary) source, integrating the copied text with his own. However, given the amount of copied material, approximately 5.5 lines from each source, we conclude the plagiarism is a departure, but not a significant departure, from accepted, scholarly standards. Thus, Subject 1 did not commit research misconduct; we make no recommendations regarding him in this report.

We agree with the IC that Subject 2's copying is plagiarism that significantly departs from scholarly standards, but we conclude all of Subject 2's plagiarism is knowing (see Intent section). We disagree with the IC that Subject 2's copying from sources E-F is a careless restating of common methodologies. We conducted a search of the internet for that methodology and found it was not a common methodology—in fact, sources E and F are unique in describing the methodology in the form that Subject 2 copied without attribution.¹⁶ Even if methodologies are, in general, technically descriptive enough not to require quotations of specific steps, the methodology itself should be cited to its source, particularly if it is not common; Subject 2 did not do this. Thus, we include sources E and F as plagiarism attributed to Subject 2.

NSF's Research Misconduct Regulation states that a finding of misconduct 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 proven by a preponderance of the evidence.¹⁷

The Act

Subject 2 copied approximately 113 unique lines of text from 9 sources into a proposal. 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

¹⁵ Tab 6 is the Interim Chancellor's decision.

¹⁶ When we searched the internet using technical phrases from the methodology as described in the proposal via Google, it returned, in both cases, only a single hit—that for documents E and F.

¹⁷ 45 C.F.R. §689.2(c).

should be prepared with equal care for this concern.”¹⁸ Consequently, by failing to appropriately distinguish verbatim copied text from her own original text, including, as the IC noted, the citations to primary sources rather than the secondary source from which the text was copied, Subject 2 presented the work of others as her own and, thus, failed to give appropriate credit to the actual authors. This act meets NSF’s definition of plagiarism.¹⁹

Intent

We concur with the IC’s assessment that Subject 2 acted with a culpable state of mind when she copied from various sources into the proposal. There are numerous instances where Subject 2 made minor changes to integrate the copied text into her own, together with the inclusion of embedded references that create the appearance of appropriate citation. Regarding her defense to the IC, it strains our credulity that someone who received all her degrees at U.S. universities²⁰ believes it is acceptable to copy unlimited amounts of material (text, figures, tables) from a scientific document, verbatim and without attribution, simply because it appears on a government agency’s web page. Therefore, we conclude Subject 2’s plagiarism is knowing.

Significant Departure

Based on the evidence and Subject 2’s response, we concur with the IC that her practices seriously depart from accepted, scholarly standards in her research community.

Using the preponderance of evidence standard, we conclude Subject 2 knowingly copied unattributed text into the co-authored proposal without appropriately distinguishing the text from her own work. In doing so, Subject 2 significantly departed from the accepted practices of her research community. Accordingly, we conclude that Subject 2 committed research misconduct.

OIG’s Recommended Disposition

In deciding what actions are appropriate when making a finding of research misconduct, NSF must consider several factors. These factors include how serious the misconduct was; degree of intent; whether it was an isolated event or part of a pattern; its impact on the research record; and other relevant circumstances.²¹

Seriousness

We concur with the University that the amount of plagiarized material is sufficiently serious to warrant a finding of research misconduct.

¹⁸ NSF Grant Proposal Guide, Chapter 1, Section D.3.

¹⁹ 45 C.F.R. § 689.1 (3).

²⁰ Subject 2 received her B.S. and M.S. from [redacted] and her Ph.D. from [redacted]

²¹ 45 C.F.R. §689.3(b).

Degree of Intent

As we noted above, the IC concluded Subject 2 acted recklessly and knowingly, depending on where she found the source document. We concluded the Subject acted knowingly in all her plagiarism based on the integration of the plagiarized text with her own and the unreasonableness of her argument about public domain given her educational background. Indeed, the university's policy, where she obtained her Ph.D. states:

Plagiarism is misrepresenting somebody else's intellectual work - ideas, information, writing, thinking - as your own. In other words, it is a misuse of source material. Whether intentional or unintentional, plagiarism is a serious violation of [the University's] Code of Academic Integrity.²²

And, specific to the examples in this proposal,

[P]lagiarism issues arise when you use a specific source, but **fail to indicate what you have borrowed, and/or fail to provide proper bibliographic information.**²³ [emphasis in original]

Pattern

Neither the University nor OIG have discovered any evidence to support a pattern of plagiarism. As part of our Inquiry, we reviewed another of Subject 2's proposals previously submitted to NSF and did not find substantive copied text.

Impact on the Research Record

The effect on the research record as a result of the subjects' action was minimal, as the proposal was declined.

Subject's Response

Subject 2 did not respond to our draft report.

Recommendations

Based on the evidence, we recommend NSF take the following actions as a final disposition in this case to protect the interests of the Federal Government:

- Send Subject 2 a letter of reprimand notifying her that NSF has made a finding of research misconduct.²⁴

²² [redacted]

²³ [redacted]

- Require Subject 2 to certify her completion of the training program as required by the University as a result of its finding and provide documentation of the program's content within 2 years of NSF's finding.²⁵

For a period of 2 years as of the date of NSF's finding:

- Require for each document (proposal, report, etc.) to which Subject 2 contributes for submission to NSF (directly or through her institution),
 - Subject 2 to submit a certification that the document does not contain plagiarism, falsification, or fabrication.²⁶
 - Subject 2 to submit assurances from the Research Integrity Officer or a responsible official of her employer that the document does not contain plagiarism, falsification, or fabrication.²⁷
- Prohibit Subject 2 from participating as a reviewer, advisor, or consultant for NSF.²⁸

The Subject's certifications, assurances, and documentation of responsible conduct of research course should be sent to the Assistant Inspector General for Investigations (AIGI) for retention in OIG's confidential file on this matter.

²⁴ A Group I action 45 C.F.R. 689.3(a)(1)(i).

²⁵ This action is similar to Group I actions 45 C.F.R. 689.3(a)(1). Because of the specific hour and content requirements the University imposed, we recommend using the University's 2-year time-frame, as opposed to the standard 1-year time-frame.

²⁶ This action is similar to 45 C.F.R. 689.3(a)(1)(iii).

²⁷ A Group I action 45 C.F.R. 689.3(a)(1)(iii).

²⁸ A Group III action 45 C.F.R. 689.3(a)(3)(ii).