



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A10080066

Page 1 of 1

We received an allegation of plagiarism in an article citing NSF support, co-authored by an NSF-funded PI.¹ The University concluded the PI was responsible for the plagiarism in the article when he incorporated material prepared and plagiarized by a consultant and graduate student upon whom the PI relied. We agreed with the university that the PI plagiarized and recommended NSF make a finding of research misconduct and take two other actions to protect the government's interests. NSF concurred. The PI appealed NSF's decision, and NSF denied the appeal. Accordingly, this case is closed. This memorandum, NSF's Director's appeal decision, NSF's original adjudication, and our Report of Investigation constitute the closeout for this case.

This page administratively
corrected 1/23/2013

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230

FEB 27 2012



OFFICE OF THE
DIRECTOR

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

Re: Decision on Appeal of Research Misconduct Determination

Dear Dr.

On December 7, 2011, Dr. Wanda Ward, Senior Advisor to the Director, issued a Notice of Research Misconduct Determination to you. In this Notice, NSF: (1) required, until December 1, 2012, that you submit certifications in connection with any proposal or report you submit to NSF; and (2) mandated that you complete an ethics training course by December 1, 2012. On or about January 6, 2012, you filed a timely appeal of NSF's decision. This letter constitutes NSF's decision on your appeal.

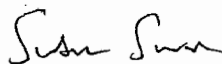
In your appeal, you assert that you did not engage in research misconduct. You allege that your consultant was responsible for including plagiarized text in the paper. Thus, to the extent that any research misconduct occurred, it was the consultant – and not you – who committed such misconduct. You contend that you should not be held responsible for the consultant's misconduct, as the consultant had extensive experience in preparing and editing reports. Lastly, you suggest that the actions taken by the University were sufficient to address any misconduct that occurred, and that any additional actions taken by NSF would be punitive.

NSF has determined your appeal should be denied. As co-author of the paper, you had the responsibility to ensure that appropriate credit was given to the authors of all source materials used in the paper. Although we recognize that the consultant physically copied the text from the manuscript used in connection with this paper, you, as co-author, were responsible for the content of the paper. This is particularly true in light of the fact that the author of the manuscript specifically requested that you credit him for any of his material that was used in the paper. You concede that you failed to check the paper for missing citations prior to submitting it to NSF. Your failure to do so was reckless.

Moreover, the actions taken against you by NSF are commensurate with the misconduct in which you engaged. In arriving at its decision, NSF considered the action previously taken by the University as a mitigating factor. We believe, however, that the additional actions taken against you are necessary to adequately address the misconduct that occurred.

This is NSF's final administrative action in this case. 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".

Subra Suresh
Director

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DIRECTOR

DEC 07 2011

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

Re: Notice of Research Misconduct Determination

Dear Dr. .

You co-authored a paper entitled, [redacted] This paper cited support from an NSF grant awarded to [redacted] for which you served as the Principal Investigator. As documented in the attached Investigative Report prepared by NSF's Office of Inspector General ("OIG"), this paper 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 verbatim and paraphrased text copied from multiple source documents. By authoring a paper 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 of misconduct, and had no impact on the research record, as well as other relevant circumstances. 45 CFR § 689.3(b).

I also considered the arguments you raised in your September 6, 2011, letter to Dr. Cora Marrett, NSF's Deputy Director. You asserted that you did not commit research misconduct because you took adequate steps to ensure that the material included in your paper was not plagiarized. In addition, you believed that you should be absolved from a finding of research misconduct because the co-author of the paper was not found to have committed plagiarism.

I am not persuaded by either argument. As the co-author of a paper, you have the responsibility to ensure that the paper does not contain plagiarized material. Although we recognize that you took some steps towards this objective, it is undisputed that plagiarized material was included in your paper. Therefore, although we do not believe that your misconduct was committed knowingly or intentionally, you did not fulfill your responsibility to ensure the material included in your paper was cited properly. Moreover, your co-author's University completed an inquiry and determined that he was not involved in the drafting of the sections that were identified to contain plagiarized material. Your University, on the other hand, conducted an investigation and found that you were responsible for the plagiarized material contained in the paper. Lastly, to the extent there is any inconsistency between the findings of your respective

institutions, this inconsistency does not change the fact that you did not discharge your obligation to verify that your paper did not contain plagiarized material. Therefore, I believe that the finding of research misconduct against you is appropriate.

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

- (1) Until December 1, 2012, 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; and
- (2) By December 1, 2012, you must attend a training course on research ethics, including a discussion on citation practices, and provide a certificate of attendance to the OIG that you have completed such a course.

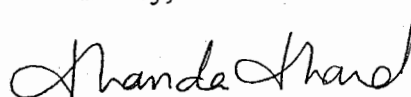
The certifications and certificate of attendance should be submitted in writing to OIG, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia 22230.

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-

Sincerely,



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 A-10080066

5 Jul 11

**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.

University Investigation and Action:

OIG received an allegation that the Subject plagiarized material in an article citing NSF support. We learned the Subject's home University was in the process of investigating the same allegation.

The University made a finding that the Subject committed plagiarism by copying approximately 103 lines of text from 8 sources. The University temporarily rescinded the Subject's Chair professorship and denied the Subject his summer salary (in the form of two-ninths of his base salary that was to be paid during summer sessions) for at least 2 years.

OIG Assessment: OIG conducted an independent investigation and identified an additional 58 lines of copied material from 5 sources.

- **The Act:** The Subject plagiarized approximately 161 total lines of text copied from 13 sources.
- **Intent:** The Subject acted recklessly.
- **Standard of Proof:** A preponderance of evidence standard supports the conclusion that the Subject committed plagiarism.
- **Significant Departure:** The Subject's plagiarism represents a significant departure from accepted practices.
- **Pattern:** No pattern of plagiarism was detected.

OIG Recommends NSF:

- Make a finding of research misconduct against the Subject.
- Send the Subject a letter of reprimand.
- Require certification of attending a responsible conduct of research class that includes citation practices within 1 year.
- Require 1 year of certifications.

University Actions

Investigation

We received the allegation of plagiarism and learned the University¹ had already conducted an Inquiry and begun an Investigation² into an allegation that the Subject³ plagiarized into a paper (the paper)⁴ provided to NSF and an association (the Association)⁵; the paper cites support from the Subject's NSF grant.⁶ The University, consistent with its policies, assigned a Committee to conduct an Investigation and produce an Investigation report (the report).⁷

As detailed in its report, the Committee reviewed the material pertinent to the initial allegation that the Subject copied four passages from a preprint (the preprint)⁸ into his paper verbatim and without attribution.⁹ The Committee also reviewed additional material identified via a plagiarism software evaluation of the Subject's paper.¹⁰ The Committee applied the following research misconduct criteria. The act: (i) must meet the definition of plagiarism; (ii) must be a significant departure from accepted practices of the relevant community; (iii) must be committed with culpable intent; and the allegation be supported by a preponderance of evidence.

Regarding (i) above, the Committee observed the text in the Subject's paper was identical to the text in the four passages of the preprint, but lacked appropriate attribution. The Subject acknowledged the author of the preprint sent him a preprint of his articles. In one of the email exchanges between the two, the author tells the Subject he may quote the material "with appropriate citation of my name" because he planned to use the material in a book.¹¹ The Subject said that email did

¹ [redacted].

² The University did not notify us of its investigation as required 45 CFR §689.4(b)(2), but planned to do so at the conclusion of its adjudication.

³ [redacted], a Professor at the University.

⁴ Tab 1: [redacted] (the Subject) and [redacted]. The Subject listed his affiliation as the University, while his co-author is affiliated with [redacted].

The original allegation was against the Subject and his co-author. [redacted] conducted an Inquiry and concluded an Investigation was not warranted as the Subject, not the co-PI, was responsible for the material with the copied text. We concur.

We have denoted copied text in Tab 1 via underlining in three ways: (1) with letters (A-D) corresponding to the University's identification of the text copied from the four passages of the preprint; (2) with numbers (1-7) corresponding to the University's identification of copied text detected with its plagiarism software; and (3) with double letters (AA-EE), indicating the text identified by OIG.

⁵ [redacted].

⁶ [redacted] was awarded to [redacted] with the Subject as the PI.

⁷ Tab 2: the University's Investigative report.

⁸ Two preprints by [redacted] (the author) were provided to the Subject via email. These two preprints were combined into [redacted] published by [redacted] as part of the [redacted] working papers.

⁹ Tab 2, Attachment 1.

¹⁰ Tab 2, Attachment 6.

¹¹ Tab 2, report, p. 4.

not relate to the preprints, but to some specific data that were sent in an earlier email and that are not part of the material allegedly plagiarized. Likewise, the text the Committee subsequently identified by the plagiarism software was not appropriately cited to its sources. Therefore, the Committee concluded the Subject's act met the definition of plagiarism.

Regarding (ii), the Committee stated that "none of [them] are aware of any occasions in [their] disciplines where using verbatim passages of such length without indicating they are direct quotes either with quotation marks or with indentation and including citations of the sources is an accepted practice."¹² It continued by stating the Subject, "also acknowledged that this was not an accepted practice in his specific area of scholarship."¹³ The Committee considered whether the article's limited distribution mitigated the departure—the article was provided to the Subject's NSF program officer as an 'activity file' and to the association for the purpose of distributing it to the Deans of business schools—and concluded "even that sort of submission would require appropriate acknowledgment of others' work." Thus, the Committee concluded the Subject's actions represented a significant departure from accepted practices within his research community.

With regard to evaluating the Subject's state of mind, (iii), the Committee found no evidence the Subject acted knowingly or willfully, but could not categorize the plagiarism as "ordinary error" either. The Subject acknowledged the references were missing from his paper that was posted to the association, but said the final version did not include the sections with the copied material (the Subject said the final version includes only the introduction, summary, and recommendations). He also said he was not directly responsible for inclusion of the verbatim text because he hired a consultant (the consultant¹⁴) in India to put together the draft manuscript. He said the consultant had initially prepared the text and included a citation to the preprint in the footnotes, but he did not include any quotation marks. Later, the Subject hired a student (the student¹⁵) to finalize the manuscript before submission and it was the student who omitted the footnotes to the two articles. The Committee carefully examined the consultant's original draft and noted there were originally footnotes for three of the four passages, but no quotation marks or indentation; in the final version, not just the footnotes, but also a reference to the author in the body was removed. The Subject acknowledged reading the preprint, but he said he did not recognize the verbatim text when he saw it in his paper, so did not think to ask his student why that text was not cited. The Committee noted the Subject has extensive editorial experience¹⁶ such that one would have expected him to have a system to review others' work to ensure all references were properly cited, but he had no such system. In consideration of these factors, the Committee

¹² *Id.*

¹³ *Id.*

¹⁴ [redacted] was a consultant in [redacted] India.

¹⁵ [redacted] was a graduate student at [redacted].

¹⁶ Senior Editor, [redacted]; and Associate Editor, [redacted].

concluded that the plagiarism was committed recklessly by the Subject as Principal Investigator on the grant and co-author of the report.

Although the Committee used plagiarism detection software to examine the article at issue, it did not examine any of the Subject's other writings, *e.g.*, papers or proposals, for evidence of a pattern of plagiarism.

In summary, the Committee concluded that plagiarism occurred and the Subject departed significantly from accepted practice of the relevant research community; the misconduct was committed at least recklessly; and the allegation was proven by a preponderance of the evidence. The Committee made no recommendations to the University adjudicator.

The Subject's Response¹⁷

The Subject cooperated with the University in its investigation, and, as noted above, argued that he relied on a consultant and a student to write the material and did not carefully review their work. He said his final version, which is only several sections, does not contain plagiarism and the removal of that material does not affect the conclusions of his report.

Adjudication

The University adjudicator accepted the Committee's report and concurred with the Committee's conclusion that the facts indicate plagiarism occurred.¹⁸ He:

- delayed the Subject's Chaired professorship, scheduled appointment for the 2010-2011 academic year, at least until 1 September 2012; and
- denied the Subject his summer salary at least until summer 2013.

OIG's Assessment

OIG assessed the University's report for accuracy and completeness, and while the report was accurate in its findings, it was incomplete. The University did not use its plagiarism software to look for evidence of a pattern. However, we conclude the University followed reasonable procedures in conducting its investigation and produced a quality report and attachments. Therefore, we adopted the findings in lieu of conducting our own investigation. However, we re-examined the paper and the proposal supporting this paper looking for a pattern of plagiarism.

¹⁷ Tab 2, Attachment 7.

¹⁸ Tab 3; [redacted], Executive Vice-President and Provost.

We did not identify plagiarism in the proposal, but we found an additional 58 lines of material copied from 5 sources in the Subject's paper the University did not previously identify. We asked the Subject about the allegation¹⁹ and in his response,²⁰ the Subject admitted there was plagiarized material in the article, but, as he explained to the University, the plagiarism was the work of a consultant hired for the project. He claimed neither he nor his co-PI knew the consultant had inserted several paragraphs from published sources without properly citing the work. He also stated none of the plagiarized material was present in any part of the detailed report written by himself or the co-PIs. He concluded by offering apologies for the errors and wrote:

I am hoping you will see my failure to detect the consultant's omissions as being honest and a one-time random occurrence due to a unique combination of circumstances.²¹

We agree that this appears to be a one-time occurrence, but it was not random. As noted by the Committee, the Subject is an experienced scientist and editor and is aware of the standards of scholarly writing. Thus, while the Subject might not have known *a priori* the consultant plagiarized, the reason he did not know was that he failed to implement a system of review that would permit him to exercise reasonable responsibility in his oversight of his consultant's and student's work. The plagiarism that resulted was not random, but an obvious byproduct of the Subject's poor scholarly practices. The Subject's explanation that the author's email only required him to cite data, rather than text, is specious. Independently of whether he was asked to cite the material properly, he had a responsibility to do so and did not meet that responsibility. Similarly, the Subject's excuse that the plagiarized material was not important to his paper is unacceptable because if the material were unimportant, the Subject would not have included it.

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.²²

The Act

The Subject's paper contained a total of approximately 161 lines plagiarized from 13 sources into one article that cited support from the Subject's NSF grant and was prepared for NSF. OIG concurs with the University that the Subject's actions constitute plagiarism as defined by NSF. In offering material composed by others

¹⁹ Tab 4: NSF OIG 5 October 2010, letter to [redacted].

²⁰ Tab 5: [redacted] response to NSF OIG.

²¹ Tab 5, p. 2.

²² 45 C.F.R. §689.2(c).

as his own, the Subject misrepresented his own efforts and writings. Likewise, the University found the Subject's acts constituted a significant departure from accepted his relevant research community, and we concur.

Intent

The University concluded the Subject acted recklessly in plagiarizing material in the article. In both the Committee's and our analysis, we determined that the Subject's level of intent rose above the level of "careless." Therefore, we concur with the University, and conclude the Subject's actions were reckless.

Standard of Proof

Both the University and OIG conclude that the Subject's actions and intent were proven based on a preponderance of the evidence standard.

We conclude the Subject, by a preponderance of the evidence standard, recklessly plagiarized, and the plagiarism was a significant departure from accepted scholarly standards; therefore the Subject committed research misconduct.²³

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's actions are a violation of the standards of scholarship and the tenets of general research ethics. Copied text serves to misrepresent one's body of knowledge, presenting readers with an inaccurate representation of a document's respective merit. Adding to the seriousness, the document was prepared for, and provided to, NSF presumably as a basis for consideration of future programmatic decisions and to serve the community, and the document was made publicly available through the association's web site.

²³ 45 C.F.R. part 689.

²⁴ 45 C.F.R. § 689.3(b).

As part of his mentorship responsibilities as a Professor, the Subject should have reviewed the work of a student, who is only learning the standards of his profession, and who was editing the work of a non-native English writing consultant. The extent of the copying and the Subject's demonstrated failure to properly mentor his student, including monitoring, reviewing, and verifying the citations in the manuscript submitted under his own name, raises the seriousness of this act.

Degree of Intent

As noted by the University, the Subject's paper contained several significant passages identical to passages in a preprint he received directly from the author who told the Subject he was going to use the material for a book and requested acknowledgment if it was used. The Subject acknowledged reading the preprint, but said he did not recognize the text when he saw it in the final version of the paper. Although a consultant incorporated the text into the Subject's paper, the Subject did not have a system in place to provide a citation check of the manuscript before it was submitted. This would be particularly important with regard to an article the Subject knew was based, in part, on preprints from an author who asked to be acknowledged. The Subject has significant editorial experience, and he should have had such a system in place.

Pattern

The Committee did not examine any of the Subject's other work for evidence of a pattern. We reviewed the proposal that supported this paper and found no evidence to support a pattern of plagiarism.

Recommendation

Based on the evidence, OIG recommends NSF:

- Send a letter of reprimand to the Subject informing him that NSF has made a finding of research misconduct;²⁵
- Require the Subject to complete an ethics course, which includes discussion on citation practices, within 1 year and provide certification of its completion to OIG;²⁶ and
- Require, for 1 year after NSF's final action, the Subject provide certifications to OIG that all submissions in connection with his NSF research are his own writing or are appropriately cited.²⁷

²⁵ This is a Group I Action §689.3(a)(1)(i).

²⁶ This is similar to a Group I Action §689.3(a)(1)(ii).

²⁷ This is similar to a Group I Action §689.3(a)(1)(iii).