

NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

## CLOSEOUT MEMORANDUM

Case Number: A10110078

Page 1 of 1

OIG received allegations that a PI (Subject)<sup>1</sup> of an NSF Proposal<sup>2</sup> plagiarized text from a previously awarded NSF Proposal.

We referred the investigation to the University<sup>3</sup> which concluded, based on a preponderance of the evidence, that the Subject was found to have recklessly plagiarized. The University deemed it a significant departure from accepted practices; the University took actions to protect its interests.

We adopted the University's findings and concluded, based on a preponderance of the evidence, that the Subject recklessly plagiarized in his NSF Proposal. We deemed it a significant departure from accepted practices and recommended actions to protect the federal interest. The Senior Advisor to the Director concurred.

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

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National Science Foundation • 4201 Wilson Boulevard • Arlington, Virginia 22230

Office of the Inspector General

DEC 20 2011

To: Cora B. Marrett  
Deputy Director

From: Allison C. Lerner *Allison C. Lerner*  
Inspector General

Subject: Research Misconduct Investigation Report A10110078

Attached is our confidential investigation report concerning an allegation of research misconduct against Dr. [REDACTED], an employee of [REDACTED]. On the basis of our investigation, we concluded that Dr. [REDACTED] plagiarized material submitted in one proposal to NSF.

We recommend that NSF find that Dr. [REDACTED] committed research misconduct and take additional actions, which we believe will adequately protect NSF's interests. Each of our recommended actions is described in detail in the report. The actions we recommend are consistent with previously adjudicated cases (A07040020, A08100048). The subject concurred with our draft report.

If you have any questions about the investigation report or our recommended findings and disposition, I would be happy to discuss them with you. My staff point of contact for this matter is [REDACTED] at 703-[REDACTED].

Attachment

cc: Lawrence Rudolph, General Counsel  
Joan Frye, Office of the Director's Liaison to OIG

# National Science Foundation Office of Inspector General



## Confidential Report of Investigation Case Number A10110078 20 December 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

**Allegation:** Plagiarism from an awarded NSF CAREER proposal into the Subject's NSF CAREER proposal.

**OIG Inquiry:** We identified approximately 108 lines and 4 embedded references apparently plagiarized into the Subject's CAREER proposal (the Proposal), from an awarded NSF CAREER proposal (the Source). The Subject admitted that he copied from the Source, which he obtained from its author.

**University Investigation and Action:** The University conducted an investigation. Its committee found that the Subject recklessly plagiarized the Source, and the Deciding Official concurred. The University required the Subject to write a letter of admission of responsibility to be kept on file with the President of the University; prohibited the Subject from being a PI or Co-PI on any research proposal for two years; required the Subject to certify all proposals for three years following the two year internal bar from submitting proposals; required the Subject to complete both a research ethics courses and a mentoring course; and postponed the Subject's tenure review.

**OIG's Assessment:**

- **The Act:** Nearly verbatim plagiarism of 108 unique lines and 4 embedded references from an awarded CAREER proposal.
- **Intent:** The Subject acted recklessly.
- **Significant Departure:** The Subject's actions are a significant departure from the accepted practices of the research community.
- **Standard of Proof:** The preponderance of the evidence supports the conclusion regarding the act and intent, and therefore a finding of research misconduct.
- **Pattern:** None apparent.

**OIG**

**Recommendation:**

- Send the Subject a letter of reprimand notifying him that NSF has made a finding of research misconduct.
- Require the Subject to certify completion of both the RCR training program and the mentorship/supervision training specified by the University and provide documentation of the programs' contents within 1 year of NSF's finding.
- Require the Subject to submit certifications for 3 years.
- Require the Subject to submit assurances from his employer for 3 years.
- Bar the Subject from participating as a reviewer, advisor, or consultant for NSF for a period of 3 years.

### OIG's Inquiry

We reviewed an allegation of plagiarism in an NSF CAREER proposal<sup>1</sup> (the Proposal) and identified approximately 108 lines and 4 embedded references allegedly copied from another NSF CAREER proposal (the Source<sup>2</sup>). We wrote<sup>3</sup> to the PI<sup>4</sup> (the Subject), who told us that the Source proposal author emailed him a copy of the Source.<sup>5</sup> The Subject stated he then gave the copy, along with some of his own articles to one of his students to use as writing examples. He also said the student copied some of the material into the Proposal from the Source and submitted the first draft without checking for copied text. The Subject admitted to insufficient oversight of the student and to his failure in thoroughly reviewing the draft prior to submission.<sup>6</sup>

Given the extent of the plagiarism and the fact that the Source was an awarded NSF proposal, we referred an investigation to the Subject's university<sup>7</sup> (the University).<sup>8</sup>

### The University's Investigation<sup>9</sup>

The University appointed an investigation committee (the Committee) composed of five faculty members to investigate the allegation consistent with the requirements of the University policy and 45 C.F.R. Part 689.<sup>10,11</sup> The Committee reviewed the Proposal, the Source, and the Subject's admission in his response to our inquiry. They also reviewed an additional 7 proposals and 26 publications of the Subject's, but found no pattern of plagiarism.<sup>12</sup> The Committee conducted an interview with the Subject during which the Subject accepted all responsibility<sup>13</sup> and claimed that a student had copied all portions originating from the Source after the Subject provided the Source as an example document.<sup>14</sup> The Subject told the committee he had the student practice drafting as a type of training exercise. After deliberation, the Committee decided not to include the student as an additional subject in this investigation, concluding that the evidence demonstrates that the Subject is ultimately the responsible party.<sup>15</sup>

The Committee substantiated the allegation, citing the Subject's admission and concluding that "he did not exercise the expected level of supervision of a graduate student."<sup>16</sup>

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]

<sup>8</sup> Tab 5.

<sup>9</sup> Tab 6, The University's Investigation Report and Appendixes.

<sup>10</sup> Tab 8, the University policy.

<sup>11</sup> Tab 6 at 78.

<sup>12</sup> Tab 6 at 85.

<sup>13</sup> Tab 6 at 82 and 83.

<sup>14</sup> Tab 6 at 80 and 81.

<sup>15</sup> Tab 6 at 86.

<sup>16</sup> Tab 6 at 85.

The Committee concluded that research misconduct had taken place, writing: "This is a significant departure from the accepted practices of the scholarly community."<sup>17</sup> Because the Subject allowed a Master's student to compose his CAREER proposal "with the potential to shape his career for five years and beyond," and because the Subject did not properly review the Proposal, the Committee found his behavior reckless.<sup>18</sup>

The Committee recommended that: 1) a letter of reprimand should be kept on file with the Provost indefinitely; 2) the Subject not be allowed to serve as a Co-PI for 6 months, nor as a PI for 1 year; 3) the Subject complete a course on research ethics, and receive training on "the proper mentoring of students"; and 4) for 5 years submit his proposals to a designee of the Office of the Vice President for Research for review for research misconduct.<sup>19</sup>

The Deciding Official<sup>20</sup> concurred with respect to the finding of research misconduct but modified the Committee's recommendations to: 1) require the Subject to write a letter admitting fault to the University President, copying the Provost and Vice President for Research, to remain on file indefinitely; 2) ban the Subject from serving as a PI or Co-PI on any research proposals for 2 years; 3) require the Subject to complete RCR courses within 60 days<sup>21</sup>; 4) require the Subject to attend training on proper mentoring and supervision of students; 5) require certifications from the Subject that any proposals submitted contain no forms of research misconduct for 3 years following the 2-year suspension specified above; and 6) postpone the Subject's tenure review for 6 years.<sup>22</sup>

#### OIG's Investigation and Assessment

We reviewed the University report and find that the University investigation was accurate, complete, and in accordance with reasonable procedures. We wrote to the Subject offering him the opportunity to provide any additional information or comments he may have with respect to the University report and our investigation.<sup>23</sup> The Subject replied, indicating his agreement with the University report and providing no additional comments.<sup>24</sup>

A finding of misconduct requires that: (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.<sup>25</sup>

<sup>17</sup> Tab 6 at 85.

<sup>18</sup> Tab 6 at 82 and 85.

<sup>19</sup> Tab 6 at 86-87.

<sup>20</sup> [REDACTED]

<sup>22</sup> Tab 6 at 88-89.

<sup>23</sup> Tab 7 at 95.

<sup>24</sup> Tab 7 at 96.

<sup>25</sup> 45 C.F.R. 689.2(c).

The Act

The Subject admitted his responsibility for the 108 lines of text with 4 embedded references copied from the Source, an awarded NSF CAREER proposal. We concur with the Committee that the Subject's actions were a significant departure from the accepted practices of the Subject's research community.<sup>26</sup> The Subject's unattributed copying is consistent with NSF's definition of plagiarism.<sup>27</sup>

Intent

The Subject told the Committee he gave the Source to the student, but also that his intention was to have the student "write a draft proposal in his own words"<sup>28</sup> for the purpose of helping the student – a potential doctoral student – understand the work of Ph.D. students and professors. Even so, he did not thoroughly review the work of the student and provide proper mentoring. At the same time, he admitted to accepting the student's first draft of an important proposal without thorough review or substantive revision.

The Subject's actions in this case demonstrate a reckless disregard for proper scholarship. The *Grant Proposal Guide* (GPG) states: "The responsibility for proper scholarship and attribution rests with the authors of a proposal; all parts of the proposal should be prepared with equal care for this concern."<sup>29</sup> The Committee stated that "writing a proposal of this importance normally involves multiple drafts and a series of revisions by all authors involved."<sup>30</sup> Also, the University's review of the Subject's other publications identified no plagiarism, indicating the Subject had a working knowledge of scholarly standards. The Committee also found that "he agreed that he is responsible for the entire content of the proposal."<sup>31</sup> Nevertheless, by his own admission, he expended little effort on review,<sup>32</sup> despite the fact that the stakes – years of funding for his research, professional reputation, etc. – were high.

We concur with the Deciding Official that the Subject's actions constitute a reckless act, demonstrated by his lack of review of a CAREER proposal, which he allowed a student to draft.

Standard of Proof

The preponderance of the evidence, including the Subject's admission, supports that the Subject recklessly plagiarized from the Source in the Proposal and that his actions were a significant departure from the accepted practices of the relevant research community.

We therefore conclude that the Subject's actions constitute research misconduct.

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<sup>26</sup> Tab 6 at 85.

<sup>27</sup> 45 C.F.R. 689.1(a)(3)

<sup>28</sup> Tab 6 at 81.

<sup>29</sup> NSF Grant Proposal Guide Section I.D.3 (NSF 10-01).

<sup>30</sup> Tab 6 at 82.

<sup>31</sup> Tab 6 at 86.

<sup>32</sup> Tab 6 at 80-81. An audio recording of the interview is available on request.



### 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.<sup>33</sup>

#### Seriousness

The Subject's actions constitute a substantial amount of nearly verbatim copying which he presented to NSF as his original work. Additionally, the Proposal is a CAREER proposal, which requests a significant amount of funding. The CAREER program is a highly competitive and prestigious NSF program which provides career support for investigators in a tenure-track position at their institutions. Much of the copied text relates to broader impacts (*i.e.*, Criterion 2) for educational implementations, outreach, and career plans. As such, the Subject's ability to follow through with the proposed Criterion 2 goals is questionable in the absence of other evidence. The Subject obtained the Source by submitting a FOIA request, which ultimately resulted in the Source author sending a copy of his awarded CAREER proposal directly to the Subject via e-mail.<sup>34</sup> Because the Source author sent the Subject the Source in good faith, the copying violates this collegial trust.

#### Degree to which the Act was Reckless

We agree with the Committee that the failure to properly supervise the student and the failure to review the student's draft, particularly with such a significant type of proposal, is a very reckless act. The Subject provided the student who drafted the Proposal with the Source, but he did not provide oversight or mentorship for the task. The Subject admitted that, due to time pressure, he made only minimal edits to the Proposal after receiving one draft from the student. These actions may deviate from those of a mentor and reasonable PI of a CAREER proposal. The Subject's actions are not in line with the care exercised by a typical PI. We therefore concur with the University that his actions were distinctly reckless.

#### Pattern of Behavior

We concur with the University that the Subject's act appears to be an isolated event and not part of a broader pattern of behavior.

#### Impact on the Research Record

The Subject's act has no effect on the published research record.

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<sup>33</sup> 45 C.F.R. 689.3(b).

<sup>34</sup> See Tab 6 at 79-80.



### Recommendations

Based on the evidence, OIG recommends that NSF:

- Send the Subject a letter of reprimand notifying him that NSF has made a finding of research misconduct;<sup>35</sup>
- Require the Subject to certify to the Assistant Inspector General for Investigations (AIGI) his completion of both the RCR training program and the student mentoring specified by the University and provide documentation of the programs' content within 1 year of NSF's finding;<sup>36</sup>
- Require the Subject to submit a certification to the AIGI for each proposal, report, or other document he submits for 3 years that the contents are not plagiarized, falsified, or fabricated;<sup>37</sup>
- Require the Subject to submit assurances from a responsible official of his employer to the AIGI for each proposal, report, or other document he submits for 3 years that the contents are not plagiarized, falsified, or fabricated;<sup>38</sup> and
- Bar the Subject from participating as a reviewer, advisor, or consultant for NSF for a period of 3 years.<sup>39</sup>

### The Subject's Response to OIG's Draft Investigation Report

The Subject responded to our draft investigation report, agreeing with the substance. He also posed questions not pertinent to the overall content, to which we sent a reply. The Subject additionally provided documents demonstrating that he had satisfied the University's requirement for training and for NSF's consideration with respect to OIG's recommendation for RCR training.<sup>40</sup>

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<sup>35</sup> A Group I action 45 C.F.R. 689.3(a)(1)(i).

<sup>36</sup> This action is not specified within the regulation (See 45 C.F.R. 689.3(a)). It is similar to Group I actions 45 C.F.R. 689.3(a)(1).

<sup>37</sup> This action is not specified within the regulation (See 45 C.F.R. 689.3(a)). It is similar to 45 C.F.R. 689.3(a)(1)(iii).

<sup>38</sup> A Group I action 45 C.F.R. 689.3(a)(1)(iii).

<sup>39</sup> A Group III action 45 C.F.R. 689.3(a)(3)(ii).

<sup>40</sup> See Tab 9 for Subject's response to the draft report, our reply to the Subject, and documents provided by the Subject for consideration.

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**Attachments**

1. The Proposal
2. The Source
3. OIG's Inquiry Letter to the Subject
4. The Subject's Response to the Inquiry
5. The Referral Letter
6. The University Report
7. The Subject's Comments regarding the University report
8. The University policy
9. The Subject's Response to the Draft ROI

NATIONAL SCIENCE FOUNDATION  
4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DIRECTOR

APR 27 2012

**CERTIFIED MAIL --RETURN RECEIPT REQUESTED**



*Re: Notice of Research Misconduct Determination*

Dear [REDACTED]:

In [REDACTED], you submitted a CAREER proposal 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 verbatim and paraphrased text, including embedded references, copied from another CAREER proposal that had been submitted previously to NSF. 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 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 an isolated incident, 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 30, 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 April 30, 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) Until April 30, 2015, you are prohibited from serving as a reviewer, advisor, or consultant on NSF proposals; and

- (4) By April 30, 2013, you must certify to the OIG your completion of both the responsible conduct of research training program and the student mentoring program specified by the University, and provide documentation of the programs' content.

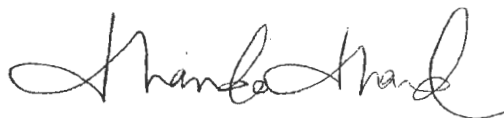
The certifications and assurances should be submitted in writing to OIG, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia 22230.

Procedures Governing Appeals

Under NSF's regulations, you have 30 days after receipt of this letter to submit an appeal of this decision, in writing, to the Director of the Foundation. 45 CFR § 689.10(a). Any appeal should be addressed to the Director at the National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. If we do not receive your appeal within the 30-day period, this decision will become final.

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

Sincerely,

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

Wanda Ward  
Senior Advisor to the Director

Enclosures

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