

NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

**CLOSEOUT MEMORANDUM**

Case Number: A10120090

Page 1 of 1

Our investigation determined that the Subject<sup>1</sup> knowingly plagiarized in proposals submitted to NSF. NSF made a finding of research misconduct by the Subject; sent a letter of reprimand to the Subject; required the Subject to submit certifications to the Assistant Inspector General for Investigations (AIGI), NSF OIG for three years; required the Subject's employer to submit assurances to the AIGI of NSF OIG for three years; prohibited the Subject from serving as a reviewer of NSF proposals for three years; and required the Subject to provide certification to the AIGI that he has completed a course on the responsible conduct of research.

This memo, the attached Report of Investigation, and the letter from NSF with a finding of research misconduct constitute the case closeout. Accordingly, this case is closed.

<sup>1</sup> [REDACTED]

# National Science Foundation Office of Inspector General



## Report of Investigation Case Number A10120090

28 June 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

#### OIG's inquiry established that:

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

#### University's investigation concluded that:

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

#### OIG concludes that:

- **Act:** The Subject plagiarized approximately 496 lines of text into four proposals submitted to NSF.
- **Intent:** The Subject acted recklessly.
- **Standard of Proof:** A preponderance of the evidence supports the conclusion that the Subject's acts were a significant departure from accepted practices, and therefore constitute research misconduct.
- **Pattern:** The Subject's actions are part of a pattern of plagiarism in NSF proposals.

#### OIG recommends that NSF:

- Send the Subject a letter of reprimand notifying him that NSF has made a finding of research misconduct.
- Require the Subject to certify to the Assistant Inspector General for Investigations (AIGI) his completion of a responsible conduct of research training program and provide documentation of the program's content within 1 year of NSF's finding. The instruction should be in an interactive format (*e.g.*, an instructor-led course) and specifically include plagiarism and proper citation practices.

#### For a period of 3 years from the date of NSF's finding:

- Require for each document (proposal, report, etc.) to which the Subject contributes for submission to NSF (directly or through his institution),
  - the Subject to submit a certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication.
  - the Subject to submit assurances from a responsible official of his employer to the AIGI that the document does not contain plagiarism, falsification, or fabrication.
- Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF.

### OIG's Inquiry

We assessed an allegation that four of the Subject's<sup>1</sup> NSF proposals<sup>2</sup> contained copied text. Our review of these proposals revealed approximately 496 unique lines of text apparently copied from 17 sources. The table below identifies the approximate extent of the copied text in the seven proposals:

Proposal	Number of Copied Lines	Sources
A	72	6
B	104	3
C	(72) <sup>3</sup>	(6)
D	320	8
Total	496	17

We wrote the Subject to invite his explanation.<sup>4</sup> In his reply,<sup>5</sup> the Subject admitted that he had copied most of the material from the indicated sources, stating that he used the sources because English is not his native language. He asserted also that citations were not necessary because the text was copied from a public source, or was public knowledge. However, the Subject did not address the absence of quotation marks or other distinguishing features differentiating the copied text from his own. The Subject's response did not dispel the allegation, and we referred an investigation to the Subject's University.<sup>6</sup>

### University's Inquiry

Pursuant to its policy,<sup>7</sup> the University began an inquiry, and arranged for a faculty member external to the University to conduct the inquiry.<sup>8</sup> The inquiry considered the four annotated proposals and apparent sources provided in our referral letter, reviewed the Subject's response to our inquiry letter, interviewed the Subject and his coPIs, and examined some of the Subject's publications for copied text. In his interview, the Subject stated that he alone was

1 [REDACTED]  
2 [REDACTED]  
[REDACTED]

All proposals were declined for funding by NSF.

This resubmitted proposal contains the same copied text as an earlier submission. The 72 lines are only counted once.

<sup>4</sup> Our inquiry letter to the Subject is at Tab 1.

<sup>5</sup> Subject's response is at Tab 2.

<sup>6</sup> [REDACTED]. The referral of investigation letter is at Tab 3.

<sup>7</sup> University policy is at Tab 4. The policy suggests that an inquiry committee consists of several individuals and a chair. The University instead appointed a single individual to complete the inquiry.

<sup>8</sup> [REDACTED]

responsible for the copied sections of text, which was corroborated by the coPIs. The inquiry therefore focused only on the Subject.

We received a copy of the inquiry report, and letters describing subsequent University actions in this case.<sup>9</sup> The inquiry report states that the Subject admitted copying the annotated text into his NSF proposals for all but two of the indicated sources.<sup>10</sup> For these remaining two sources, the Subject admitted that the words were copied, but asserted that he did not copy them from the sources suggested.<sup>11</sup> The inquiry report concluded that the copied text in the Subject's proposals constituted plagiarism, and that the Subject's failure to provide citation was a departure from the accepted practice of the Subject's relevant research community.<sup>12</sup>

The inquiry concluded that the Subject acted recklessly. The Subject asserted in his interview that he knew that he should cite research publications for copied text, but did not know at the time that he should cite sources such as Wikipedia.<sup>13</sup> However, the inquiry concluded that the Subject should have known of the need for citation, and that his actions were therefore reckless.

Based on the evidence, the inquiry report concluded, by a preponderance of the evidence, that the Subject committed plagiarism, that the plagiarism was a departure from accepted practices of the relevant research community, and that the Subject's actions were reckless.<sup>14</sup> The inquiry report concluded that the Subject's plagiarism was not part of a pattern extending beyond the four NSF proposals, basing this conclusion on examination of some of the Subject's publications. The inquiry concluded "there is no impact at all on the research record" because the plagiarism "took place in the background sections, broader impacts and education, outreach and training sections of the proposal."<sup>15</sup>

University policy allows termination of the process at the inquiry stage if "a legally sufficient admission of research misconduct is made" by the Subject. The University determined that the Subject's admission to the copying was sufficient under this policy. Therefore, no separate investigation was completed, and the inquiry report was sent first to the Director of the Office of Sponsored Programs and Research,<sup>16</sup> and then to the Provost and Vice President for Academic Affairs.<sup>17</sup>

The University Provost took the following actions against the Subject: 1) place a formal letter of reprimand in the Subject's permanent record, with an admonition that further plagiarism may result in termination of his employment; 2) require that for the next two years the Subject

<sup>9</sup> Materials received from the University are at Tab 5.

<sup>10</sup> Inquiry report, page 2 (Tab 5).

<sup>11</sup> Inquiry report, page 2 (Tab 5). The Subject did not identify the sources used.

<sup>12</sup> The inquiry report refers to six copied figures in Proposal D. These six figures are [REDACTED] that appear to have been imported into the proposal as figures from the source websites along with the surrounding text. However, [REDACTED].

<sup>13</sup> The inquiry report noted that stated Wikipedia policy allows users to copy the content if citation is provided.

<sup>14</sup> Inquiry report, page 2 (Tab 5).

<sup>15</sup> Inquiry report, page 3 (Tab 5).

<sup>16</sup> [REDACTED].

<sup>17</sup> [REDACTED].

certify that proposals submitted contain no plagiarism; 3) require an assurance from the Director of the Office of Sponsored Programs and Research that proposals submitted within the next two years do not contain plagiarism; and 4) require that the Subject enroll in a course on research ethics within 180 days, and provide documentation that he has completed it.<sup>18</sup>

### **OIG's Assessment**

We wrote to the Subject to invite comment on the University inquiry report, but received no response. We concluded that the inquiry report was fundamentally accurate and complete, and that the University followed reasonable procedures.

A finding of research misconduct by NSF requires that 1) there be a significant departure from accepted practices of the relevant research community, that 2) the research misconduct be committed intentionally, or knowingly, or recklessly, and that 3) the allegation be proved by a preponderance of the evidence.<sup>19</sup>

### Acts

The Subject's copying of text encompassed approximately 496 lines of copied text in four NSF proposals. The NSF Grant Proposal Guide states: "NSF expects strict adherence to the rules of proper scholarship and attribution. The responsibility for proper attribution and citation rests with authors of a proposal; all parts of the proposal should be prepared with equal care for this concern."<sup>20</sup> Although the Subject asserts that he did not realize at the time that he should have provided citations, we conclude that the Subject, as a faculty member and as an individual with postdoctoral research experience within a major U.S. university system,<sup>21</sup> should reasonably have been aware of such a requirement. We concur with the University that in failing to ensure adequate attribution to words written by others, the Subject committed plagiarism, and his actions significantly departed from accepted standards of the research community.

### Intent

The inquiry characterized the Subject's actions as reckless, sufficient for a finding of research misconduct, and we concur. The Subject has not taken training in the responsible conduct of research through his University.<sup>22</sup> Based on the Subject's background and experience, he should have known that the text he copied required citation and differentiation from original composition.

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<sup>18</sup> University Provost adjudication letter (Tab 5).

<sup>19</sup> 45 C.F.R. §689.2(c).

<sup>20</sup> NSF Grant Proposal Guide, Chapter I, Section D.3.

<sup>21</sup> The Subject completed a three-year post doctoral research associate at [REDACTED] His biographical sketch (Tab 6) states that he serves on the editorial board for several journals in his field.

<sup>22</sup> The inquiry report suggests that training is offered at the University; see Inquiry report, page 5 (Tab 5).

Standard of Proof

We concur with the University that the preponderance of the evidence proves that the Subject failed to provide adequate attribution for text copied into his NSF proposals, and that these actions constitute reckless plagiarism. Because these actions represent a significant departure from accepted practices, we conclude that the Subject's plagiarism constitutes research misconduct.

**OIG's Recommended Disposition**

When deciding what appropriate action to take upon a finding of misconduct, NSF must consider: (1) how serious the misconduct was; (2) the degree to which the misconduct was knowing, intentional, or reckless; (3) whether it was an isolated event or part of a pattern; (4) whether it had a significant impact on the research record, research subjects, other researchers, institutions or the public welfare; and (5) other relevant circumstances.<sup>23</sup>

Seriousness

The Subject copied approximately 496 lines of text into four NSF proposals. In so doing, the Subject presented text to NSF proposal reviewers as his own. The inquiry report attempts to mitigate the seriousness of the plagiarism by noting that the text is confined to the background sections of the proposal and "broader impacts" descriptions. However, background sections of the proposal are considered equally with other sections by proposal reviewers and NSF staff in assessing the PI's understanding and perspective of the field in which research is proposed. Because the "broader impacts" section of the proposal responds to a specific criterion for merit review, plagiarism in this section cannot be discounted. The extent of plagiarism by the Subject in this case far exceeds the level for which NSF has made previous findings of research misconduct, and has put in place requirements for certifications and assurances.

Degree to which the Act was Reckless

The Subject described his preparation of NSF proposals: "Because of language constraints, I read lots of related materials from different sources to choose the best statements when I wrote these proposals. If finding some descriptions are appropriate for my proposal, I just took a note on my notebook. With the time going, I might forget where the statements come from and simply move it to my proposals."<sup>24</sup> As evident in this case, such a practice leads to the absence of quotation marks, omitted citations, and missing references. The Subject's University provides assistance with proposal preparation, including the services of a grants writer;<sup>25</sup> the Subject did not use these resources.

The Subject's admitted actions in preparing his NSF proposals are clearly reckless.

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<sup>23</sup> 45 C.F.R. § 689.3(b).

<sup>24</sup> Subject's response (Tab 2).

<sup>25</sup> [REDACTED]

### Pattern

The Subject's recurrent plagiarism in four NSF proposals submitted over a period of 2 years is clear and compelling evidence for a pattern of behavior by the Subject.

### Impact on the Research Record

All of the Subject's NSF proposals were declined; the impact of the Subject's plagiarism on the research record is therefore limited to activities related to NSF merit review of those proposals.

### Subject's comments on the draft Report of Investigation

We provided a draft copy of this report of investigation to the Subject for comments. We received no comments.

### Recommendations

We recommend that NSF:

- Send the Subject a letter of reprimand notifying him that NSF has made a finding of research misconduct.<sup>26</sup>
- Require the Subject to certify to the Assistant Inspector General for Investigations (AIGI) his completion of a responsible conduct of research training program and provide documentation of the program's content within 1 year of NSF's finding.<sup>27</sup> The instruction should be in an interactive format (e.g., an instructor-led course) and specifically include plagiarism and proper citation practices.

For a period of 3 years as of the date of NSF's finding:

- Require for each document (proposal, report, etc.) to which the Subject contributes for submission to NSF (directly or through his institution),
  - the Subject to submit a certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication.<sup>28</sup>
  - the Subject to submit assurances from a responsible official of his employer to the AIGI that the document does not contain plagiarism, falsification, or fabrication.<sup>29</sup>
- Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF.<sup>30</sup>

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

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<sup>26</sup> A Group I action 45 C.F.R. 689.3(a)(1)(i).

<sup>27</sup> This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).

<sup>28</sup> This action is similar to 45 C.F.R. 689.3(a)(1)(iii).

<sup>29</sup> A Group I action 45 C.F.R. 689.3(a)(1)(iii).

<sup>30</sup> A Group III action 45 C.F.R. 689.3(a)(3)(ii).



NATIONAL SCIENCE FOUNDATION  
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OFFICE OF THE  
DEPUTY DIRECTOR

NOV 13 2012

**CERTIFIED MAIL --RETURN RECEIPT REQUESTED**



*Re: Notice of Research Misconduct Determination*

Dear [REDACTED]

From 2009-2010, you served as a Principal Investigator ("PI") on four proposals submitted for funding to the National Science Foundation ("NSF" or the "Foundation"). 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 approximately 496 unique lines of text copied from 17 source documents for which you were responsible. 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 part of a pattern, and that it had a minimal 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 November 1, 2015, you must provide certifications to the OIG that any proposal or report you submit to NSF as a PI or co-PI does not contain plagiarized, falsified, or fabricated material;
- (2) Until November 1, 2015, you must obtain, and provide to the OIG, assurances from a responsible official of your employer that any proposal or report you submit to NSF as a PI or co-PI does not contain plagiarized, falsified, or fabricated material;
- (3) By November 1, 2013, you must complete a comprehensive responsible conduct of research training course, and provide documentation of the program's content to the OIG. The instruction should be in an interactive format (e.g., an instructor-led course) and should specifically include a discussion on plagiarism and citation practices; and
- (4) Until November 1, 2015, you are prohibited from serving as a reviewer, advisor, or consultant for NSF.

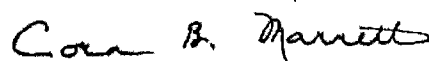
The certifications, assurances, and training documentation should be submitted in writing to NSF's OIG, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia 22230.

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,



Cora B. Marrett  
Deputy Director

Enclosures

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