



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A11010002

Page 1 of 1

OIG conducted an inquiry into an allegation that a collaboratively submitted NSF proposal¹ containing copied text. During the inquiry we identified copied material in the NSF proposal and determined the PI was responsible for the copied text (Subject).² The Subject's response to our inquiry did not dispel the allegation, and we referred the matter to the Subject's institution for investigation.

The University³ concluded, based on a preponderance of the evidence, that the Subject recklessly and knowingly committed plagiarism, deemed a significant departure from accepted practices, and took actions to protect the University's interests.

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

The Subject appealed NSF's decision. The Director reviewed the appeal and upheld the original finding and actions.

This memo, the attached Report of Investigation, the Deputy Director's letter, and 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
DIRECTOR

OCT 17 2012

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

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

Re: Decision on Appeal of Research Misconduct Determination

Dear Dr. [REDACTED]:

On July 16, 2012, Dr. Cora Marrett, Deputy Director of the National Science Foundation ("NSF"), issued a Notice of Research Misconduct Determination to you. In this Notice, NSF: (1) required, until July 1, 2014, that you submit certifications in connection with any proposal or report you submit to NSF; (2) required, until July 1, 2014, that you submit assurances from your employer in connection with any proposal or report you submit to NSF; (3) mandated that you complete the University-mandated academic integrity course by July 1, 2013; and (4) prohibited you, until July 1, 2014, from serving as a reviewer, advisor, or consultant for NSF. On or about August 16, 2012, you filed a timely appeal of NSF's decision. This letter constitutes NSF's decision on your appeal.

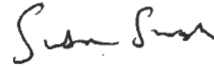
In your appeal, you contend that you did not intentionally or knowingly submit a proposal to NSF containing plagiarized material. You assert that your bad health and computer problems caused you to upload the wrong file into NSF's FastLane system. You indicate that you withdrew your proposal immediately after you were informed by NSF that your proposal contained plagiarized material in an effort to take responsibility for your mistake. In addition, you note that you have never taken formal training on how to write proposals for funding agencies, but suggest that you have learned from this experience about the proper manner to prepare proposals for submission.

NSF has determined that your appeal should be denied. As the Principal Investigator, you had a responsibility to ensure that the proposal submitted to NSF was free of plagiarized material. Your actions in this matter deprived the author of the source material from receiving the credit to which he was entitled. Thus, a finding of plagiarism is appropriate. Moreover, based on your extensive experience in publishing papers and serving as an editor, you had a working

knowledge of plagiarism, and therefore knew (or should have known) that copying text without appropriate citation in the research proposal that you submitted to NSF constituted plagiarism.

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", written in a cursive style.

Subra Suresh
Director

NATIONAL SCIENCE FOUNDATION

4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DEPUTY DIRECTOR

JUL 16 2012

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

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

Re: Notice of Research Misconduct Determination

Dear Dr. [REDACTED]:

In 2010, you served as a Principal Investigator ("PI") on a proposal submitted for funding to the National Science Foundation ("NSF") entitled, [REDACTED]

[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 78 unique lines of text copied from nine source documents, as well as 25 embedded references. 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 part of a pattern of plagiarism. 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, 2013, you must attend the University-mandated academic integrity course, and provide written proof to the OIG that you have completed such a course; and
- (4) Until July 1, 2014, you are prohibited from serving as a reviewer, advisor, or consultant for NSF.

The certifications, assurances, and written proof of attendance 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 A11010002 March 1, 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: OIG identified 9 sources from which approximately 78 lines and 25 embedded references were copied into 1 NSF proposal. OIG referred investigation of the matter to Subject's home institution.

**University
Investigation
and Action:**

The University concluded, based on a preponderance of the evidence, that Subject recklessly and knowingly committed plagiarism, deemed a departure from accepted practices.

The University reduced Subject's salary by one-ninth; prohibited him from applying or receiving a university-level grant for one year; required he take an academic integrity course; and required he develop resource material related to academic integrity.

**OIG
Assessment:**

- **The Act:** Subject plagiarized 78 lines and 25 embedded references from 9 sources into 1 NSF proposal.
- **Intent:** Subject acted knowingly.
- **Standard of Proof:** A preponderance of evidence supports the conclusion that Subject committed plagiarism.
- **Significant Departure:** Subject's plagiarism represents a significant departure from accepted practices.
- **Pattern:** Plagiarism was identified in 9 non-NSF proposals.

**OIG
Recommends:**

- Make a finding of research misconduct against Subject
- Send Subject a letter of reprimand.
- Require certifications from Subject for a period of 2 years.
- Require assurances from Subject for a period of 2 years.
- Require proof of completion of the University-mandated academic integrity course within 1 year.
- Bar Subject from participating as a reviewer, advisor, or consultant for NSF for 2 years.

OIG's Inquiry

OIG conducted an inquiry into an allegation of plagiarism within a collaboratively-submitted NSF proposal (Proposal).¹ We reviewed the Proposal and identified 90 lines and 25 embedded references copied from nine sources.² We contacted the two PIs, PI1 (Subject)³ and PI2,⁴ about the allegation.⁵

PI2 responded⁶ that he "did not write the text of this joint proposal" but had "agreed to be listed as a subcontract."⁷ He said, at the last minute, the decision was made to submit the proposal collaboratively, and he did not get to read the final proposal.⁸

The Subject, in his responses,⁹ said he would immediately withdraw the proposal, and explained the copied text was due to his writing style, computer problems, and physical illness. He said:

... some material from [sic] the published work was kept on the initial draft so that it facilitated what was required to be expressed in a proper manner. This is the writing style followed by one of us [Subject] and hence one can observe those materials appearing in this unedited version of submitted proposal.

But at the time of proposal submission, the folders of saved electronic files related to proposal were messed up. The files from the folder containing non finalized version of electronic files were uploaded absent mindedly. ... Also, there was attack of computer virus/worm (at [the Subject's] work place) just a couple of days before submission and that also caused severe nuisance and hindrance for keeping proper track of electronic files. Also [the Subject] was down with influenza fever at that time. Surely, because of these disturbances the mistake had occurred.¹⁰

Further, he said the copied text our office identified was all in the literature review, was technically constrained, and/or was altered slightly from its original text.¹¹ He concluded:

¹ Tab 1: [REDACTED] (Withdrawn).

² Tab 2.

³ [REDACTED]
⁴ [REDACTED]

⁵ Tab 3.

⁶ Tab 4.

⁷ Tab 4, PI2 response, pg 1.

⁸ Tab 4, PI2 response, pg 2.

⁹ Tab 4, Subject responses.

¹⁰ Tab 4, Feb 24 Subject response, pg 4.

¹¹ Tab 4, Feb 24 Subject response.

We strongly believe this is not research misconduct on our part knowingly. This all has happened due to human error unknowingly and put us in conditions which apparently give the impression of research misconduct. The only assurance we can give you is that we will take much more precautions in future before submitting any such proposal anywhere. This is what we sincerely feel in view of what has happened unknowingly.¹²

When requested to clarify his collaboration with PI2, the Subject said PI2 "motivated me to write this proposal" but that he (Subject) had "prepared some rough draft with the help of the literature."¹³ The Subject said, "We then improved on the drafts after drafts by each others [sic] consultation and discussions/suggestions. The typing work was done by me for the proposal and it is from my computer all the problems occurred at the time of submission . . ."¹⁴

We reviewed the responses and determined 12 lines of text contained technically constrained language. We removed these lines from further analysis.¹⁵ The following chart summarizes the copied material in the Proposal:

Source	Proposal
A (article)	10 lines
B (article)	18 lines and 25 embedded references
C (article)	15 lines
D (article)	4.5 lines
E (article)	5 lines
F (article)	8.5 lines
G (article)	5 lines
H (article)	7 lines
I (article)	5 lines
Total	78 lines and 25 embedded references

We reviewed the Subject's and PI2's proposal submission records. While the Proposal was the Subject's first NSF proposal, PI2 had submitted 67 NSF proposals. We examined three¹⁶ of PI2's proposals and found no copying without attribution.

In his response, the Subject took primary responsibility for the copied text. Despite claiming to have a properly cited final version of the Proposal, the Subject did not provide it to us. Last, although the Subject used 'we' in his responses to our office, he appears to be speaking

¹² Tab 4, Feb 24 Subject response, pg 1.

¹³ Tab 4, Mar 1 Subject response, pg 1.

¹⁴ Tab 4, Mar 1 Subject response.

¹⁵ Tab 5 contains the re-annotated proposal.

¹⁶ [REDACTED]
 (Declined); [REDACTED]
 [REDACTED] (Declined); and [REDACTED]
 [REDACTED] (Declined).

only for himself as his response contradicts that of PI2. Based on our inquiry, we concluded there was sufficient evidence to proceed to an investigation.

University Inquiry and Investigation

Consistent with our policy, we referred the investigation to the University.¹⁷ The University, consistent with its policies,¹⁸ convened a committee, which conducted an inquiry. The inquiry committee "concluded there was sufficient evidence to proceed with a formal investigation."¹⁹

The University then convened an Investigation Committee (Committee). The Committee interviewed the Subject and PI2, and gathered and reviewed evidence. The Committee produced a Report, which it provided to our office with attachments.²⁰

During his interview, the Subject told the Committee that unlike his usual technique of reading the literature, summarizing the content on note cards, and then putting the summarized version into his proposal,

He was concerned that reading and summarizing the passages on note cards would take too much time; so in this case, he copied the information directly into a draft which he planned to summarize prior to submission. He stated that this was the first time he used this strategy.²¹

The Subject said that, subsequently, "A computer virus and his own illness resulted in his submitting this draft with the copied passages rather than the alternate proposal where he had summarized and cited the work."²²

The Subject provided the Committee with a copy of what he claimed was the finalized proposal,²³ but the Committee "was unable to determine, with confidence, whether the alternate proposal had been created before or after the proposal submission date."²⁴ The Committee found "that the alternate proposal did not contain unattributed verbatim copied passages."²⁵ However, the Committee also found

that the alternate proposal did not contain any editorial changes in the body of the proposal except for the areas where copying was

¹⁷ [REDACTED] Tab 6 contains the referral letter.

¹⁸ Tab 7, Attachment 1.

¹⁹ Tab 7, Attachment 2, pg 1.

²⁰ Tab 7.

²¹ Tab 7, Attachment 4, pg 4-5.

²² Tab 7, Letter, pg 3.

²³ Tab 7, Attachment 7.

²⁴ Tab 7, Letter, pg 3.

²⁵ Tab 7, Letter, pg 3.

originally noted by NSF. The editorial changes consisted of rewording the relevant portions of the original proposal.²⁶

The Committee told the Subject "it was unusual that only those sections and no others were revised."²⁷ The Subject said he had as many as six versions of the proposal and "that he had other versions that evolved from the one that was submitted that would have had other changes."²⁸ However, he "was not able to explain why the changed paragraphs were only those flagged by NSF."²⁹

The Subject told the Committee "he did not know the American definition" of plagiarism but that "His own definition was that you do not use the same language to the extent possible and that you cite the references for the work of others."³⁰ He said "he uses the same [citation] standard for publications as for proposals."³¹

The Committee told the Subject it had found plagiarism in two other documents³² he wrote and submitted,³³ one internal and one external proposal.³⁴ The Subject "said that he 'didn't know' about the copying in the two proposals."³⁵ Regarding the external proposal, he said "the works were cited even though much was copied"³⁶ and that "an author can replicate an entire paragraph word-for-word written by someone else while he is composing his own summary."³⁷ With regard to the internal proposal, he said it did not have clear citation guidelines.³⁸ The Subject did however acknowledge "that he was using the 'note taking method' with the other proposals."³⁹

The Committee concluded, based on the preponderance of evidence, that the Subject recklessly and knowingly committed plagiarism,⁴⁰ deemed a significant departure from accepted practices.⁴¹ It also "concluded that [PI2] was not aware of the copied passages and had not contributed significantly to the drafting of text for proposal [sic]."⁴²

²⁶ Tab 7, Letter, pg 3.

²⁷ Tab 7, Attachment 4, pg 6.

²⁸ Tab 7, Attachment 4, pg 6.

²⁹ Tab 7, Attachment 4, pg 6.

³⁰ Tab 7, Attachment 4, pg 6.

³¹ Tab 7, Attachment 4, pg 5.

³² The Committee subsequently identified plagiarism in a total of nine proposals; however, at the time of the interview, only two proposals had been identified.

³³ Tab 7, Attachment 4, pg 5.

³⁴ The proposal was submitted to the [REDACTED]. The University subsequently informed that organization about the plagiarism.

³⁵ Tab 7, Attachment 4, pg 5.

³⁶ Our review of the external proposal found that some of the sources were not in fact cited in the proposal.

³⁷ Tab 7, Attachment 4, pg 5.

³⁸ Tab 7, Attachment 4, pg 5.

³⁹ Tab 7, Attachment 4, pg 5.

⁴⁰ The Committee used four definitions of plagiarism in its analysis (Tab 7, Letter, pg 4).

⁴¹ Tab 7, pg 4.

⁴² Tab 7, pg 3.

The Committee based its determination of intent on "four primary pieces of evidence."⁴³ First, it said "[The Subject] used copied text without citing the references from which the text was taken."⁴⁴ Second, it found the Subject's "withdrawal of his proposal when alerted about the copying without submitting the alternate proposal" as verifying "that [the Subject] knew that the submitted proposal was inappropriate."⁴⁵ Third, it found "[The Subject] clearly held a different standard of writing and citation for publications in contrast to research proposals" which indicated he "knew that he was copying text without appropriate citation in the research proposals and knew that he was not copying text without appropriate citation in his publications."⁴⁶ Last, based on the Subject's four years experience as a science editor, it determined the Subject "would have a working knowledge of plagiarism and therefore would know that copying text without appropriate citation in the research proposals he submitted was plagiarism."⁴⁷

The Committee found the Subject's action constituted a significant departure from accepted practices, because "the process [the Subject] used to write proposals deviates from the standard practices used to write such proposals by scientists in the natural sciences."⁴⁸ For example, PI2, during his interview "said that he (referring to himself) would not have written the proposal in this way."⁴⁹

The Committee identified "a clear and ongoing pattern of plagiarism in internal and external grant proposals that did not extend to publications"⁵⁰ based on its review of 10 papers the Subject published between 2004 and 2010⁵¹ and nine grant proposals the Subject submitted from 2009-2011.⁵² It found "a pattern of copying text without appropriate citation" in each proposal, but found no pattern of copying in any of the publications.⁵³ Because the publications did not contain plagiarism, the Committee concluded the PI's actions did not have a significant impact on the research record, research subjects, other researchers, institutions, or the public welfare.⁵⁴

Lastly, the Committee said the Subject "reported that he did not receive Responsible Conduct of Research [RCR] training beyond mentoring as a PhD candidate and post-doctoral candidate." While RCR training is currently required of all University undergraduate, graduate students, and post docs who are paid from an NSF grant, the Subject "did not fall under the student/employee categories currently identified in the policy."⁵⁵ The Subject did however sign

⁴³ Tab 7, pg 5.

⁴⁴ Tab 7, Letter, pg 5.

⁴⁵ Tab 7, Letter, pg 5.

⁴⁶ Tab 7, Letter, pg 5.

⁴⁷ Tab 7, Letter, pg 5.

⁴⁸ Tab 7, Letter, pg 4.

⁴⁹ Tab 7, Letter, pg 4.

⁵⁰ Tab 7, Letter, pg 5.

⁵¹ Tab 7, Attachment 5.

⁵² Tab 7, Attachment 6.

⁵³ Tab 7, Letter, pg 2.

⁵⁴ Tab 7, Letter, pg 5-6.

⁵⁵ Tab 7, Letter, pg 6. Attachment 9 contains the University's RCR training policy.

a University proposal submission form stating "that he accepted responsibility for adhering to all University policies and procedures."⁵⁶

The Committee recommended the Report be sent to the cognizant University official⁵⁷ to determine administrative actions against the Subject. It also recommended a "discussion of a process for checking potential plagiarism in the internal grant competitions hosted by the University in order to provide correction and guidance to investigators who plagiarize"⁵⁸ as well as "developing more comprehensive RCR seminars or development workshops."⁵⁹

Subject's Response to University's Draft Report

The Committee provided its draft Report and attachments to the Subject.⁶⁰ In his response, the Subject said "I have no formal training or educations [sic] regarding what are the issues involved with so called plagiarism in writing internal grant proposals or any other proposals."⁶¹

Regarding the internal grant proposals, he said they "never stated clearly that there is a need of citation of references," attributing the copied text to the "lack of proper information available (lack of education because I have never been told) at that time."⁶² He further noted that some of the internal grant proposals the Committee reviewed are nearly identical, since he often resubmitted declined proposals with only minor changes, "hence they became 8 in number in two years time but in fact they are just half that number to be specific."⁶³

Regarding the external proposal, the Subject said he "cited all the references needed wherever material has been used from those references in the discussion."⁶⁴ He added that the proposal "was my first ever proposal for external grant and I tried to do my best within my understanding."⁶⁵

The Subject concluded:

In future, while writing any project proposal I will be extremely careful to write everything according to guidelines provided and will request my peers/seniors to advise me to write that properly. I have never done anything incorrect knowingly in these write ups and just to make sure would not allow that to happen in future.⁶⁶

⁵⁶ Tab 7, Letter, pg 6. Attachment 8 contains the University's proposal submission form.

⁵⁷ [REDACTED]

⁵⁸ Tab 7, Letter, pg 6.

⁵⁹ Tab 7, Letter, pg 6.

⁶⁰ Tab 7, Letter, pg 7.

⁶¹ Tab 7, Attachment 10, pg 1.

⁶² Tab 7, Attachment 10, pg 1.

⁶³ Tab 7, Attachment 10, pg 1.

⁶⁴ Tab 7, Attachment 10, pg 2.

⁶⁵ Tab 7, Attachment 10, pg 2.

⁶⁶ Tab 7, Attachment 10, pg 2.

The Committee's final report addressed the Subject's response. It said it "verified that guidelines for internal proposals instruct authors to cite references," and said "annual seminars are offered that instruct authors on how to write better proposals."⁶⁷ It further said the University provides clear definitions of plagiarism for both students and faculty in print documents and online.⁶⁸

University Adjudication

The University official imposed the following actions:

- Reduced the Subject's 2011-2012 salary by one month's salary;
- Prohibited the Subject from applying for and receiving a university-level grant for one year;
- Required the Subject to participate in a workshop or seminar about academic integrity; and
- Required the Subject to cooperate with the sponsored research office in developing resource materials related to academic integrity.⁶⁹

A University administrator⁷⁰ told us that changes in internal procedures "will take considerable time to discuss and implement, since faculty governance is an important consideration."⁷¹ The University therefore could not yet provide us with information regarding the recommended RCR seminars or plagiarism reviews.

OIG's Assessment

OIG invited the Subject to provide any additional comments he might have regarding the University's report.⁷² The Subject chose not to provide a response.

OIG assessed the Report for accuracy and completeness, and found the Report to be both accurate and complete. We further conclude the University followed reasonable procedures in conducting its investigation. We adopted the University's findings in lieu of conducting our own investigation.

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.⁷³

⁶⁷ Tab 7, Letter, pg 7.

⁶⁸ Tab 7, Letter, pg 7.

⁶⁹ Tab 8.

⁷⁰ [REDACTED]

⁷¹ Tab 9.

⁷² Tab 10.

⁷³ 45 C.F.R. §689.2(c).

The Acts

Our review found the Subject plagiarized 78 lines and 25 references into the Proposal. OIG concurs with the Report that the Subject's actions constitute plagiarism. In offering a significant amount of material composed by others as his own, the Subject seriously misrepresented his own efforts and presented reviewers with an incorrect measure of his abilities. He blamed the plagiarism that he had himself committed on outside factors and failed to take responsibility for his actions. Additionally, the Subject acknowledged that he, and not PI2, was responsible for the copied text.

Further, the Subject appears to have presented less than candid information both to our office and the investigation Committee. First, although the PI claimed he submitted a non-finalized version of the Proposal, the Subject first provided this "finalized" copy to the Committee during its investigation, and the "finalized" copy provided was undated and contained change only in the portions our office had annotated. Second, the Subject used 'we' in his responses to our office, when there was no indication that PI2 had seen or was aware of the Subject's response. Indeed, the Subject's response contradicted that of PI2. Last, the Subject told the Committee that the first time he used the cut-and-paste note taking method was Proposal 1, when in fact he later acknowledged he used this same strategy in other proposals.⁷⁴ Overall, we found the Subject to be less than candid in offering excuses throughout the inquiry and investigation stage as to why he was able to properly attribute the writing of others in numerous publications, but failed to do so in nine proposals.

The Report found the Subject's acts constituted a significant departure from accepted practices. We concur with the University's assessment.

Intent

The Report concluded that the Subject acted recklessly and knowingly in plagiarizing material in the Proposal. The Committee based its determination on the aforementioned "four primary pieces of evidence."⁷⁵ We concur with the assessment that the Subject's actions were knowing. Specifically, we agree that the Subject's own statements in acknowledging inadequately cited material, his own actions in withdrawing the Proposal without offering the finalized proposal, his pattern of plagiarizing within proposals but not within published papers, and his professional experiences clearly indicate the Subject acted knowingly.

Standard of Proof

OIG concludes that the Subject's actions and intent were proven based on a preponderance of the evidence.

⁷⁴ Tab 7, Attachment 4, pg 4-5.

⁷⁵ Tab 7, pg 5.

OIG concludes that the Subject, by a preponderance of the evidence, recklessly and knowingly plagiarized, thereby committing an act of research misconduct.⁷⁶

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.⁷⁷

Seriousness

The Subject's actions are a serious violation of the standards of scholarship, the tenets of general research ethics, and the very spirit of academic integrity. Copied text serves to misrepresent one's body of knowledge, presenting reviewers with an inaccurate representation of a proposal's respective merit. Further, by copying the text within a proposal submitted collaboratively, the Subject potentially affected the career of a colleague. Additionally, less than candid statements compound the act by calling his very integrity into question.

Degree to which Action was Knowing

As explained above, OIG finds that the Subject acted knowingly. The cut-and-paste note taking method the Subject himself acknowledged using in the proposal is itself an indication of a reckless writing process. The investigation found that, despite his assertions, he had before used this same method when writing proposals. However, he seemingly knew not to use this method when writing papers for publication. That act, as well as the others described above, indicates he knew correct citation practices, as indicated in multiple publications. We therefore conclude that his actions were knowing.

Pattern

As previously mentioned, the Committee identified "a clear and ongoing pattern of plagiarism in internal and external grant proposals that did not extend to publications."⁷⁸ We concur with the University's assessment and agree that a pattern of plagiarism was identified in these non-NSF proposals.

⁷⁶ 45 C.F.R. part 689.

⁷⁷ 45 C.F.R. § 689.3(b).

⁷⁸ Tab 7, Letter, pg 5.

Aggravating Factor

Based on the extent of plagiarism found, we generally recommend a shorter period for actions against subjects. However, in this case, we find the plagiarism itself exacerbated by the Subject's lack of candor and his attempts to mislead both the University and NSF.

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;⁷⁹
- require the Subject to certify to OIG's Assistant Inspector General for Investigations (AIGI) that proposals or reports he submits to NSF do not contain plagiarized material for 2 years;⁸⁰
- require that the Subject submit assurances by a responsible official of his employer to OIG's AIGI, that proposals or reports submitted by the Subject to NSF do not contain plagiarized material for 2 years;⁸¹ and
- require the Subject to provide to OIG proof upon completion of the academic integrity course his University mandated, within 1 year.⁸²
- Bar the PI from serving as a reviewer, advisor, or consultant for NSF for 2 years.⁸³

⁷⁹ A letter of reprimand is a Group I action (45 C.F.R. §689.3(a)(1)(i)).

⁸⁰ Certification by an individual is a final action that is comparable to the final actions listed in 45 C.F.R. §689.3(a).

⁸¹ Requirement for assurances is a Group I action (45 C.F.R. §689.3(a)(1)(iii)).

⁸² Completing an ethics course is a final action that is comparable to the final actions listed in 45 C.F.R. §689.3(a).

⁸³ A Group III action 45 C.F.R. 689.3(a)(3)(ii).