



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A110040030

Page 1 of 1

We received a substantive allegation that a PI (Subject)¹ plagiarized in an NSF Proposal.² We referred the investigation to the University³ which concluded, based on a preponderance of the evidence, that the Subject was found to have knowingly plagiarized. The University deemed it a significant departure from accepted practices and took actions to protect its interests.

We could not accept the University's Report in its totality in lieu of conducting our own investigation. Based on the preponderance of the evidence, we concluded in our investigation that the Subject knowingly plagiarized in his NSF Proposal which we deemed a significant departure from accepted practices. The Deputy Director took actions based on our report.

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

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Assistant Professor,

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National Science Foundation Office of Inspector General



Confidential Report of Investigation Case Number A11040030 August 15, 2012

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Executive Summary

Allegation: Plagiarism.

OIG Inquiry: OIG identified eight sources from which approximately 127 lines were copied into an 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 the Subject knowingly committed plagiarism, deemed a significant deviation from standard practices. The University required the Subject to write an admission letter to NSF OIG; required he take the university's Misconduct in Science seminar; and required that he attend an external Responsible Conduct of Research (RCR) seminar.

**OIG
Assessment:**

- **The Act:** Subject plagiarized 127 lines from 8 sources into an NSF proposal.
- **Intent:** Subject acted knowingly.
- **Standard of Proof:** A preponderance of evidence supports the conclusion that Subject committed plagiarism.
- **Significant Departure:** The Subject's plagiarism represents a significant departure from accepted practices of the research community.
- **Pattern:** No pattern of plagiarism was identified.

**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 the Subject to submit assurances from his employer for a period of 2 years.
- Require proof of completion of the two University-mandated academic integrity seminars within 1 year.

OIG's Inquiry

OIG conducted an inquiry into an allegation of plagiarism in an NSF proposal (Proposal).¹ We reviewed the Proposal and identified 127 lines apparently copied from eight sources.² We contacted the PI (Subject)³ about the allegation.⁴

In his response letter, the Subject said⁵ that he did not realize that using the same language was considered plagiarism, instead believing plagiarism to pertain solely to theft of ideas. He told us that, by including all citations after the text, he thought he was providing proper attribution.⁶ He also mentioned in his response that he had contacted another researcher to obtain permission to use some of the ideas for the proposal.

Correctly citing a block of text does not adequately reflect that another's exact words are being used. Further, none of the copied text appeared to come from the publications of the researcher that the Subject contacted. Based on our inquiry, we concluded there was sufficient evidence to proceed to an investigation.

University Investigation

Consistent with our policy, we referred the investigation to the University.⁷ The University, consistent with its policies,⁸ convened a three-person committee (Committee) to conduct the investigation. After interviewing the Subject and reviewing materials, the Committee provided its conclusions to the Director of Sponsored Research⁹ (the Director). The Director produced a Report¹⁰ and provided it to our office, along with a letter to the Subject from the Deciding Official.¹¹ Though the Report mentioned attachments, they were not included.

In the Subject interview, the Committee asked the questions from the OIG Inquiry Letter and the Subject "restated his statements from his May 26, 2011 written response to NSF."¹² Additionally, "[h]e stated that prior to this incident he was unaware of the '...need to paraphrase' and to use '...quotations marks.'"¹³ The Subject also stated he is "now fully cognizant of the proper methodology for avoiding any future allegation of plagiarism...[A]ll his previous work had been carefully edited by senior scientists and that to meet the NSF application submission

¹ Tab 1: [REDACTED], entitled "[REDACTED]" (Declined).

² Tab 2.

³ [REDACTED], Assistant Professor, [REDACTED]

⁴ Tab 3.

⁵ Tab 4.

⁶ Tab 4.

⁷ [REDACTED]. Tab 5 contains the referral letter.

⁸ [REDACTED], see Tab 6.

⁹ [REDACTED]

¹⁰ Tab 7.

¹¹ Tab 7, page 7.

¹² Tab 7, page 4.

¹³ Tab 7, page 4.

deadline.[sic] He stated that he had not submitted the NSF application for review by more senior faculty.”¹⁴

The Committee concluded, based on the preponderance of evidence, that “plagiarism had take [sic] place”, the Subject’s level of intent was knowing, and that a significant deviation from standard practices had occurred.¹⁵ The Committee did not elaborate on what its determination of intent was based. The Report also did not mention whether the Committee or the Director checked for pattern.

Finally, the Committee said the Subject “1) failed to properly educate himself on what actions constitute plagiarism, 2) failed to attend research ethics training provided annually by the Office of Sponsored Research and Program or other training opportunities; and 3) used, perhaps, an over reliance on senior faculty to edit his earlier documents.”¹⁶

The Deciding Official for the University¹⁷ agreed with the Committee’s findings and decided that the Subject must:

- 1) submit a letter to [the OIG Investigator], (of) the NSF Office of Inspector General, stating that you understand that you had committed plagiarism, however unwittingly, and that there will be no plagiarism in any future documents prepared by you regardless of the recipient; 2) that you attend the next University-sponsored Misconduct in Science Seminar; 3) that you attend an external professional seminar on plagiarism and scientific writing; and 4) that you provide proof that you have accomplished the three previous requirements within the next 6 months.¹⁸

Consistent with our policy,¹⁹ OIG assessed the Report for accuracy and completeness, but found the Report lacked details about how the committee arrived at the knowing level of intent. Though the Report contained quotes from the Subject’s interview, no transcripts or recordings were included. In addition, attachments appeared to be missing. We wrote to the Director to ask for clarification. In her emailed response,²⁰ she stated that “mention of attachment(s) referenced letters or other correspondence related to the investigation and a copy of the workbook you received during the initial visit” and that “[t]here were no recordings.” She said that the Subject “admitted he had ‘copied’ the materials in question.”²¹ With regard to intent, she said the committee used his level of education, the completion of a Post-doctoral position in the United States, and the fact that he teaches a course containing a unit on “ethics in science”. She also told us via phone that handwritten notes existed from the interview.

¹⁴ Tab 7, page 4.

¹⁵ Tab 7, page 5.

¹⁶ Tab 7, page 5.

¹⁷ [REDACTED]

¹⁸ Tab 7, page 6.

¹⁹ 45 C.F.R. §689.9(a).

²⁰ Tab 8.

²¹ Tab 8.

We then asked the University for a revised Report²² that included a discussion of these additional details, especially those relevant to intent, as well as any other information which influenced the Committee. We also requested relevant attachments and clarification about whether pattern was assessed. The Director said that she would reconvene the Committee and revise the Report.

OIG subsequently received another Report²³ with attachments. Among the attachments were copies of the handwritten notes and printouts of software analysis of the Subject's other publications.²⁴ The content of the report itself appeared unchanged. We called the Director to ensure that this was their intention and she verified that the Committee had chosen not to revise the Report.

Accordingly, we could not accept the Report in its totality in lieu of conducting our own investigation. Specifically, the discussion of how the committee arrived at intent was insufficient and supporting documentation for the assertions made in the Director's emailed response was missing. We did deduce from the software reports that the Committee had searched for pattern in the Subject's work; however, what exactly was analyzed and any subsequent conclusions regarding pattern were not provided.

OIG's Investigation

OIG contacted the Subject, providing him a copy of the Report as well as requesting additional information to help clarify the Subject's background. Specifically, we requested a recent CV and information regarding courses he may have taught containing unit(s) on ethics (in science or otherwise).²⁵

In his response, he stated that he "read in the report that my general response was a denial of the allegation." However, "I did admit to the allegation of plagiarism at the meeting and that is confirmed by my earlier letter...."²⁶ He also reiterated that he believed that citing the sources was adequate attribution, though he has since "made effort to educate myself further on the subject of plagiarism."²⁷ In his response to our requests, he said that he had never taught any courses on ethics.

OIG wrote to the Director to ask which course the Committee believed had contained a unit on ethics in science and she responded with a course that was listed on the Subject's CV. We therefore wrote again to the Subject to request the syllabi for those courses, which he provided.²⁸ We did not find evidence that the course contained a unit on any type of ethics.

²² Tab 9.

²³ Tab 10.

²⁴ Tab 10.

²⁵ Tab 11.

²⁶ Tab 12, page 1.

²⁷ Tab 12, page 1.

²⁸ Tab 12, pages 9-14.

We reviewed the Subject's proposal submission history and found that this is his first NSF Proposal submission as sole PI.²⁹ Additionally, of the eight articles listed on his CV (published over 19 years), none are sole-authored and there is only one with a publication date within the last 5 years. Further, he had held the position of Assistant Professor at the University for less than 2 years prior to the submission of the NSF Proposal and his education occurred outside of the United States.

However, according to his CV, he has held at least four teaching positions in higher education (at various institutions) and one at the secondary education level over the past 14 years, all in the U.S. He has also apparently held three laboratory positions in the United States, the most recent of which was a Post-doctoral position at a large university.³⁰

OIG's Assessment

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.³¹

The Acts

Our review found the Subject copied 127 lines into the Proposal. OIG concurs with the Report that the Subject's actions constitute plagiarism. The Report found the Subject's acts constituted a significant departure from accepted practices. We concur with the University's general assessment.

Intent

OIG finds that the Subject acted knowingly. Despite being educated outside the United States and having a limited publication and grant submission history, our investigation found that he has been a teacher for many years in the United States. He has assisted other researchers in the laboratory as well as acting as co-author for several publications. These facts suggest that it is more likely than not he had knowledge of correct citation practices. Therefore, on balance, we conclude that his actions were knowing.

Standard of Proof

OIG concludes that a preponderance of the evidence indicates that the Subject's knowingly plagiarized, thereby committing an act of research misconduct.³²

²⁹ The Subject was also included as one of three Co-PIs on another NSF Proposal, [REDACTED] (Returned without Review).

³⁰ [REDACTED]

³¹ 45 C.F.R. §689.2(c).

³² 45 C.F.R. part 689.

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.³³

Seriousness

Copied text serves to misrepresent one's body of knowledge, presenting reviewers with an inaccurate representation of a proposal's respective merit. A mitigating factor is that the Subject cited the correct source immediately following each block of copied text. Since the proposal was unfunded, there is no impact on the research record.

Pattern

There appears to be no pattern of plagiarism.

Recommendations

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;³⁴
- For a period of 2 year, 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;³⁵
- For a period of 2 years, 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;³⁶ and
- Require the Subject to provide to OIG proof upon completion of the two academic integrity courses his University mandated, within 1 year.³⁷

³³ 45 C.F.R. § 689.3(b).

³⁴ A letter of reprimand is a Group I action (45 C.F.R. §689.3(a)(1)(i)).

³⁵ Certification by an individual is a final action that is comparable to the final actions listed in 45 C.F.R. §689.3(a).

³⁶ Requirement for assurances is a Group I action (45 C.F.R. §689.3(a)(1)(iii)).

³⁷ Completing an ethics course is a final action that is comparable to the final actions listed in 45 C.F.R. §689.3(a).

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DEPUTY DIRECTOR

DEC 18 2012

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

[REDACTED]

Re: Notice of Research Misconduct Determination

Dear [REDACTED]:

In 2011, you served as a Principal Investigator ("PI") on a proposal entitled, "[REDACTED]". This proposal was 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"), this proposal contained plagiarized material.

Research Misconduct and Proposed Sanctions

Under NSF's regulations, "research misconduct" is defined as "fabrication, falsification, or plagiarism in proposing or performing research funded by NSF ..." 45 CFR § 689.1(a). NSF defines "plagiarism" as "the appropriation of another person's ideas, processes, results or words without giving appropriate credit." 45 CFR § 689.1(a)(3). A finding of research misconduct requires that:

- (1) There be a significant departure from accepted practices of the relevant research community; and
- (2) The research misconduct be committed intentionally, or knowingly, or recklessly; and
- (3) The allegation be proven by a preponderance of evidence.

45 CFR § 689.2(c).

Your proposal contained approximately 127 unique lines of text copied from eight source documents for which you were responsible. 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 not 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 December 1, 2013, 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 December 1, 2013, 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; and
- (3) By December 1, 2013, you must provide proof to the OIG that you completed the two ethics training courses that you were mandated to take by the University.

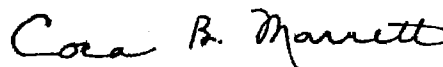
The certifications, assurances, and training documentation should be submitted in writing to NSF's OIG, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia 22230.

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], at (703) [REDACTED].

Sincerely,



Cora B. Marrett
Deputy Director

Enclosures

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