



NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

## CLOSEOUT MEMORANDUM

Case Number: A11110081

Page 1 of 1

A University<sup>1</sup> conducted an inquiry into an allegation that a faculty member (Subject)<sup>2</sup> plagiarized material in two declined NSF proposals (Proposal 1<sup>3</sup> and Proposal 2<sup>4</sup>), and contacted our office. We informed the University that we would begin our review of the allegation as an inquiry and would refer the investigation to the University, if necessary. The University subsequently informed us that the Subject left the University to teach at another institution.<sup>5</sup>

Our inquiry found that the Subject acknowledged having plagiarized material in Proposals 1 and 2. After discussion with the University, we jointly agreed that the process would be expedited if NSF OIG proceeded with its investigation in lieu of referring the matter.

We concluded, by a preponderance of the evidence, that the Subject recklessly committed plagiarism and that this act constituted a significant departure from accepted practices of the relevant research community, and recommended actions to be taken to protect the federal interest. The Deputy Director concurred with our findings and recommendations.

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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(Declined).

(Declined).



# National Science Foundation Office of Inspector General



## Report of Investigation Case Number A11110081

March 1, 2013

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**Executive Summary**

**Allegation:** Plagiarism.

**OIG Inquiry:** OIG identified nine sources from which approximately 50 unique lines, one figure, and three embedded references were copied into two declined NSF proposals.

**OIG Investigation:** We concluded, based on a preponderance of the evidence, that the Subject recklessly committed plagiarism, and that the plagiarism constituted a significant departure from accepted practices of his professional community.

**OIG Assessment:**

- **The Act:** The Subject plagiarized 50 unique lines, one figure, and three embedded references from nine sources into two declined NSF proposals.
- **Intent:** The Subject acted recklessly.
- **Standard of Proof:** A preponderance of evidence supports the conclusion that the Subject committed plagiarism.
- **Significant Departure:** The Subject's plagiarism represents a significant departure from accepted practices.
- **Pattern:** None.

**OIG Recommends:**

- Make a finding of research misconduct against the Subject.
- Send the Subject a letter of reprimand.
- Require certifications from the Subject for a period of 1 year.
- Require certification of attending an ethics class within 1 year.

### OIG's Inquiry

A University<sup>1</sup> conducted an inquiry into an allegation that a faculty member (Subject)<sup>2</sup> plagiarized material in two declined NSF proposals (Proposal 1<sup>3</sup> and Proposal 2<sup>4</sup>). It determined plagiarism occurred and contacted our office. Because the University conducted the inquiry outside of its research misconduct policy and did not produce an inquiry report, we informed the University that we would begin our review of the allegation as an inquiry and would refer the investigation to the University, if necessary. The University subsequently informed us that the Subject left the University to teach at another institution.<sup>5</sup>

We reviewed Proposals 1 and 2. As illustrated below, we identified 20 unique lines and three embedded references copied from four sources<sup>6</sup> into Proposal 1, and 30 unique lines and one figure copied from six other sources<sup>7</sup> into Proposal 2.

Source	Proposal 1	Proposal 2
A (website)	5 lines, 1 embedded reference	5 lines
B (article)	1.5 lines	1.5 lines
C (article)	11 lines, 2 embedded references	11 lines, 2 embedded references
D (website)	2.5 lines	2.5 lines
E (website)		7 lines
F (publication)		6 lines
G (article)		3 lines, 1 figure
H (website)		10 lines
I (website)		4 lines
<b>Total - Unique</b>	<b>20 lines, 3 embedded references</b>	<b>30 lines, 1 figure</b>

We reviewed three other proposals the Subject submitted to NSF.<sup>8</sup> We found 19 lines of copied text, which were already identified in Proposals 1 and 2, in one proposal,<sup>9</sup> and *de minimis* plagiarism in the other two proposals.<sup>10</sup> Accordingly, we focused our inquiry on Proposals 1-2.

We contacted the Subject regarding the allegation.<sup>11</sup> The Subject acknowledged having copied material into his proposals.<sup>12</sup> He explained that he was educated in China where "The

<sup>1</sup> [REDACTED]

<sup>2</sup> [REDACTED]

<sup>3</sup> Tab 1: [REDACTED]

[REDACTED]

<sup>4</sup> Tab 2: [REDACTED]

[REDACTED]

<sup>5</sup> [REDACTED]

<sup>6</sup> Tab 3: Sources A-D.

<sup>7</sup> Tab 3: Sources E-I.

<sup>8</sup> The Subject had submitted five proposals to NSF, as [REDACTED]

<sup>9</sup> [REDACTED]

[REDACTED]

<sup>10</sup> [REDACTED]

[REDACTED] Both proposals, which were declined, named three Co-PIs.

practice of taking beautifully written English sentences and materials and committing them to memory or recitation is a common practice . . . for students trying to master English.”<sup>13</sup> He said he routinely collected teaching plans from websites without noting their sources, adding:

. . . I have reproduced virtually verbatim the writings of others, in which a few sentences in each source have been duplicated. The original writers stated, more eloquently in English than I ever could, my own philosophy of teaching, a profession that I love and find an endless source of my own learning about the field that I am passionate about. My error is inexcusable, but it was inadvertent.<sup>14</sup>

He noted, however, that “none of the instances where I failed to cite the proper authority should have misled the reader” since the text was either an introductory statement or a statement of a known scientific fact.<sup>15</sup>

He concluded:

I have failed miserably to take the precautions that an American scholar should take in attributing the work of others. You can trust that the lesson is learned, and after the incidences I have explored additional instruction on the subject of Western ethics and for some practical guidance on how others conform to those standards, I will never make the same errors again.”<sup>16</sup>

We reviewed the Subject’s response and determined it did not dispel the allegations. The Subject did not contest having plagiarized material, but rather attempted to explain his actions. We concluded there was sufficient evidence to proceed with an investigation.

### **OIG Investigation**

We contacted the University to refer the investigation. After discussion with the University, we jointly agreed that the process would be expedited if NSF OIG proceeded with its investigation in lieu of referring the matter; however, the University pledged to assist us as necessary.

We initiated our investigation and informed the Subject we were doing so.<sup>17</sup> We asked him to provide his CV and to respond to questions regarding his proposal preparation process, his training, and his knowledge about plagiarism.

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<sup>11</sup> Tab 4.

<sup>12</sup> Tab 5.

<sup>13</sup> Tab 5, pg 1.

<sup>14</sup> Tab 5, pg 1.

<sup>15</sup> Tab 5, pg 2.

<sup>16</sup> Tab 5, pg 1.

<sup>17</sup> Tab 7.

In his response,<sup>18</sup> the Subject again acknowledged having copied material into his proposals. He explained that, because English is not his native language, he prepares proposals in four steps:

1. Write down the initial ideas in Chinese
2. Draft a proposal in Chinese
3. Translate the draft into English
4. Ask my colleagues (native speakers) or professionals to read through<sup>19</sup>

He said "In either daily life or research work, I think first in my native Chinese, then translate my thoughts into English, and use inaccurate English words, which make me appear less understandable."<sup>20</sup> He said he was schooled in China and provided journal articles that describe plagiarism as culturally relative.<sup>21</sup> Specifically, he said

A culture-based and different understanding of plagiarism contributed to an insensitive usage of the words of others. . . . In China, students are encouraged to use the memorized beautiful words and sentences in their writings. The accurate usage of these words indicates a person is well-educated and knowledgeable.<sup>22</sup>

The Subject said his training did not include a research ethics course<sup>23</sup> and he had "never been instructed regarding the definition of plagiarism by any grantor agencies or academic institutions."<sup>24</sup> He added that the grant writing courses he took focused on "how to compose the proposal to meet the requirements of grant agencies, but never talked about research misconduct or plagiarism."<sup>25</sup> He said:

Before this incident, my understanding of plagiarism was that an individual intends to cheat or mislead others by using their research ideas, experimental data, procedures, and results without any citations.<sup>26</sup>

Since receiving our letters, he said he has read extensively about plagiarism and research misconduct and now uses websites to check his work for plagiarism.<sup>27</sup> He also said he "volunteered to give a presentation on research misconduct for new graduate students" at the University, but did not have the opportunity to do so before changing institutions.<sup>28</sup>

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<sup>18</sup> Tab 8.

<sup>19</sup> Tab 8, pg 5. He provided us with proposal drafts containing his colleagues' edits (Tab 8, pg 12-56).

<sup>20</sup> Tab 8, pg 2.

<sup>21</sup> Tab 8, pg 62-105.

<sup>22</sup> Tab 8, pg 4.

<sup>23</sup> Tab 8, pg 2.

<sup>24</sup> Tab 8, pg 3.

<sup>25</sup> Tab 8, pg 4.

<sup>26</sup> Tab 8, pg 4.

<sup>27</sup> Tab 8, pg 3-4, contains the references for his self-study and plagiarism detection websites.

<sup>28</sup> Tab 8, pg 3 and 58-60.

The Subject concluded:

Sincerely, I do not offer the above as an excuse, but as an explanation. I usually worked 14 hours a day in my office and lab. If having been educated to know the Western ethical standards of plagiarism, I would have avoided this from happening. This incident is not the result of laziness or intention of misleading, is the consequence of the deficiencies in my knowledge of plagiarism.<sup>29</sup>

We reviewed the Subject's response. We concluded that the Subject, who did not contest having plagiarized, attributed the act to his lack of training, and his non-native English skills.

To better understand the Subject's educational and professional experience, we reviewed his CV.<sup>30</sup> Though educated in China, he served two postdoctoral appointments at U.S. institutions.<sup>31</sup> The CV, however, suggested that he was a relatively new researcher; he has only given 20 presentations<sup>32</sup> and published 24 publications,<sup>33</sup> of which he solely authored one. We reviewed for plagiarism the one article he solely authored<sup>34</sup> and did not find plagiarism warranting further review, suggesting no pattern of plagiarism.

We reviewed the website of a professional society<sup>35</sup> at whose conference the Subject frequently gives presentations, to determine the standards of his research community. The society,<sup>36</sup> which publishes a journal twice monthly,<sup>37</sup> instructs its journal authors that:

[The journal] expects the highest level of scholarship from its authors. They should cite papers that are closely related to the present work, that have been influential in determining the nature of the reported work, and that will aid the reader in locating earlier work essential for understanding the present studies. Except in a review, the citation of works that are not relevant or directly related to the reported research should be minimized. For critical materials used in the work, there must be proper citation and acknowledgement of non-author sources.

The authors should identify all sources of information quoted or offered, except for common knowledge.<sup>38</sup>

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<sup>29</sup> Tab 8, pg 4.

<sup>30</sup> Tab 8, pg 7-10.

<sup>31</sup> [REDACTED]

<sup>32</sup> [REDACTED]

<sup>33</sup> [REDACTED]

<sup>34</sup> [REDACTED]

<sup>35</sup> [REDACTED]

<sup>36</sup> [REDACTED]

<sup>37</sup> [REDACTED]

<sup>38</sup> [REDACTED]



Based on these standards, the Subject's actions constitute a significant departure from the accepted practices of his research community.

In reaching this conclusion we considered the Subject's argument regarding his education. The Subject argued that, though he now understands the way he acted did not conform to the accepted practices of the U.S. research community, he acted within the parameters of the research community in which he was educated. NSF expects proposals it receives to conform to the standards of the U.S. research community, and expects those submitting the proposals to be educated in these standards. Accordingly, we determined the Subject's actions did in fact constitute a significant departure from the accepted of the relevant research community.

### OIG's Assessment

A finding of research misconduct by NSF requires that there be a significant departure from accepted practices of the relevant research community; the research misconduct be committed intentionally, or knowingly, or recklessly; and the allegation be proven by a preponderance of the evidence.<sup>39</sup>

### The Acts

Our review found the Subject copied 50 unique lines, one figure, and three embedded references from nine sources into declined Proposals 1-2. We conclude the Subject's actions constitute plagiarism under NSF's definition. In offering material composed by others as his own, the Subject misrepresented his own efforts and presented reviewers with an incorrect measure of his abilities. We further conclude the Subject's acts of plagiarism constituted a significant departure from accepted practices.

### Intent

We conclude the Subject acted recklessly in plagiarizing material. Although a reasonable person is expected to know that using verbatim text without demarcation is not acceptable, we believe the Subject's training and academic background led to perhaps a lack of nuanced understanding of appropriate citation practices. Additionally, the Subject's method of proposal preparation – routinely collected teaching plans from websites without noting their sources – is itself a reckless method for incorporating others' ideas and words into one's own proposal. We therefore conclude the Subject's actions were reckless.

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<sup>38</sup> [REDACTED]

<sup>39</sup> 45 C.F.R. § 689.2(c).

Standard of Proof

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

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

**OIG's Recommended Disposition**

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.<sup>40</sup>

Seriousness

The Subject's actions are a violation of the standards of scholarship and the tenets of general research ethics. Copied text serves to misrepresent one's body of knowledge, presenting reviewers with an inaccurate representation of a proposal's merit. Nonetheless, we acknowledge the amount of material plagiarized is small compared to other cases our office has investigated.

Pattern

We identified no pattern of plagiarism in our review of the one article the Subject himself authored.

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<sup>40</sup> 45 C.F.R. §689.2(c).

### Recommendation

Based on the evidence, OIG recommends NSF:

- Send the Subject a letter of reprimand notifying him that NSF has made a finding of research misconduct.<sup>41</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>42</sup> The instruction should be in an interactive format (e.g., an instructor-led course) and specifically include the topic of plagiarism.

For a period of one year 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 submit a contemporaneous certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication.<sup>43</sup>

<sup>41</sup> A Group I action 45 C.F.R. 689.3(a)(1)(i).

<sup>42</sup> This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).

<sup>43</sup> This action is similar to 45 C.F.R. 689.3(a)(1)(iii).



NATIONAL SCIENCE FOUNDATION

4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DEPUTY DIRECTOR

JUL 26 2013

**CERTIFIED MAIL --RETURN RECEIPT REQUESTED**

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

*Re: Notice of Research Misconduct Determination*

Dear Dr. [REDACTED]

From 2009-2010, you were identified as Principal Investigator on two proposals submitted to the National Science Foundation ("NSF") entitled, [REDACTED] and [REDACTED]. 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 verbatim and paraphrased text, one figure, and three embedded references copied from several source documents. 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 not part of a pattern, and had no impact on the research record. I have also 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; and
- (2) By July 1, 2014, you must complete a responsible conduct of research training program, for which the instruction should be in an interactive format (e.g., an instructor-led course) and specifically include plagiarism. You must provide documentation of the program's content and proof of its completion to the OIG.

The certifications and written documentation of the training program 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, appearing to read "Fae Korsmo".

Fae Korsmo  
Senior Advisor

Enclosures

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

