

NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

## CLOSEOUT MEMORANDUM

Case Number: A12040027

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OIG conducted an investigation into an allegation that an NSF proposal<sup>1</sup> contained plagiarism. We identified text copied verbatim into the proposal without appropriate credit. The PI (Subject)<sup>2</sup> noted he was responsible for finalizing the proposal and apologized for copying text without attribution. OIG concluded, based on a preponderance of the evidence, that the Subject knowingly committed plagiarism, which was a significant departure from accepted practices. We recommended NSF take actions to protect the federal interest. The Deputy Director concurred and took appropriate action.

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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# National Science Foundation Office of Inspector General



## Confidential Report of Investigation Case Number A12040027 October 16, 2012

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**Executive Summary**

**Allegation:** Plagiarism in an SBIR Phase I proposal.

**OIG Inquiry:** We identified 61 lines of improperly cited, copied text from 6 different sources in the Subject PI's proposal. The Subject's explanation to our inquiry did not dispel the allegation.

**OIG**

**Investigation:** Due to the company's small size, we did not refer an investigation. After reviewing other documents for a pattern of plagiarism, we spoke with the individual the subject named as a collaborator. Neither the collaborator's explanation nor the details provided by the subject mitigate the act of using plagiarized text in his proposal. We concluded the Subject committed research misconduct.

The Act: The Subject plagiarized approximately 61 lines of text from 6 source documents.

Intent: We concluded the Subject acted knowingly.

Standard of Proof: We concluded a preponderance of the evidence standard supported our finding that the Subject knowingly plagiarized the text.

Significant Departure: The Subject's copying of text represents a significant departure from accepted practices.

**OIG**

**Recommendations:**

Send a letter of reprimand to the Subject informing him that NSF has made a finding of research misconduct.

Require the Subject to certify for 1 year that any material he submits to NSF contains no plagiarized, falsified, or fabricated material.

Require the Subject to complete a comprehensive responsible conduct of research training program within 1 year of NSF's finding.

Prohibit the Subject from serving as a reviewer, advisor, or consultant on any NSF proposal for 1 year.

**OIG's Inquiry**

Our office reviewed an allegation of plagiarism in an NSF-funded proposal<sup>1</sup> and identified approximately 61 lines of copied text from 6 sources.<sup>2</sup> Only one of the sources was cited and referenced in the proposal. None of the copied text was offset or distinguished in any way to enable a reader to differentiate the PI's (the subject's) own text from the copied text. None of the source authors are explicitly named as co-PIs or collaborators and thus should have received proper attribution as authors of the copied text.

The table below shows the text the Subject copied by source.

Source Document	Number of copied lines	Citation to Source	Source Referenced
Source 1	15	NO	NO
Source 2	16	NO	YES <sup>3</sup>
Source 3	11	NO	NO
Source 4	5	NO	NO
Source 5	7	NO	NO
Source 6	7	NO	NO
Total	61		

We wrote to the Subject regarding the copied text<sup>4</sup>, and in his response he admitted: "I did use materials from some of those documents. In some cases, I copied directly from the references."<sup>5</sup> He described the lack of citation in certain instances as "inadvertent omission."<sup>6</sup> The Subject stated he had not used one of the sources (Source 1) we identified. Instead, he claimed he had copied the questioned text from two other sources. One of those two sources did contain most of the copied text we identified from Source 1 and was written by the author of Source 1.

Regarding the text from Sources 2-6, the Subject claimed the material is a "well-known background description,"<sup>7</sup> a "general concept,"<sup>8</sup> or "common knowledge,"<sup>9</sup> but he did not then offer any independent sources that contained the same text. In three cases the Subject provided

<sup>1</sup> [REDACTED]

<sup>2</sup> Source documents are at Tab 2, 1-5.

<sup>3</sup> Cited in references, but not in proximity to copied text

<sup>4</sup> Tab 3

<sup>5</sup> Tab 4, p. 1.

<sup>6</sup> Tab 4, page 9

<sup>7</sup> i.e. Tab 4, pages 3, 5, and 8

<sup>8</sup> Tab 4, page 5

<sup>9</sup> Tab 4, page 5

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additional sources for the material he cited as "background," but most of these sources were either written by the same author as the copied text or do not contain the same text. The Subject did not provide independent sources to show the copied text was constrained by technical language.

The Subject acknowledged "I have erred due to inadvertent omissions and by not being sufficiently diligent to cite the original references at every instance,"<sup>10</sup> but it was not his "intention to plagiarize."<sup>11</sup> In responding to our question regarding other possible plagiarism, he admitted that he used the same copied text in a rejected Phase II proposal for the same project also submitted to NSF.

We found the Subject's explanation inadequate to dispel the allegation and determined there was sufficient substance to proceed to an investigation. Because the Subject's employer is a small business with less than 10 employees, we determined that the company lacked adequate resources to conduct an objective research misconduct investigation. Consequently, we conducted our own investigation.<sup>12</sup>

**OIG's Investigation**

In his response to our inquiry letter,<sup>13</sup> the Subject indicated that some of the copied text was background information he obtained while working with consultants. We sent the Subject a second letter requesting clarification of his comments.<sup>14</sup> In his response,<sup>15</sup> the Subject named two individuals with whom he consulted; he stated Consultant 1<sup>16</sup> provided publications and advice, while Consultant 2 helped the Subject write the NSF proposal.<sup>17</sup> Neither consultant was mentioned in the proposal.

Although the Subject received material from the consultants, he asserted that the responsibility for the copied text was his alone. The Subject stated the consultants

provided several paragraphs for the background and significance sections to help me prepare the introductory part of the NSF proposal .... However, I was the person responsible to finalize the proposal and ... used materials directly from publications . . . .<sup>18</sup>

He clarified that he used "materials directly from publications without providing the complete references at all places where the material was copied."<sup>19</sup>

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<sup>10</sup> Tab 4, page 9

<sup>11</sup> Tab 2, page 9

<sup>12</sup> 45 C.F.R. § 689.5(f).

<sup>13</sup> Tab 4

<sup>14</sup> Tab 5

<sup>15</sup> Tab 6

<sup>16</sup> [REDACTED]

<sup>17</sup> Tab 6, p. 2.

<sup>18</sup> Tab 6, pages 1-2

<sup>19</sup> Tab 6, page 2

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The Subject re-stated it was not his intention to plagiarize, but he is aware that his proposal contains copied text without proper attribution. He apologized for "these mistakes" and claims that he will be "careful and diligent" in the future.<sup>20</sup>

The Subject's biographical sketch indicates he received both his masters and his doctorate in the U.S.<sup>21</sup> Further, he lists numerous peer reviewed publications on his biographical sketches, primarily conference proceedings. His professional experience and publication record support the conclusion that he knew about proper citation practices.

**OIG's Assessment**

NSF's Research Misconduct Regulation states that a finding of misconduct 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 proven by a preponderance of the evidence.<sup>22</sup>

**The Act**

The Subject copied approximately 61 lines of text from 6 different source documents in his NSF proposal. The NSF Grant Proposal Guide is clear:

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>23</sup>

In offering material composed by others as his own, the Subject misrepresented his own efforts and presented reviewers with an incorrect measure of his knowledge of the science. Consequently, by failing to appropriately distinguish verbatim copied text from his own original text, the Subject presented the work of others as his own work and, thus, failed to give appropriate credit to the actual authors.

**Intent**

By the Subject's own admission, he failed to appropriately cite the text originating in the source documents. There were no quotation marks or indentations to distinguish the copied text from the Subject's own text. We do not find it feasible that the Subject could have copied this amount of unattributed text inadvertently. The Subject, by his own admission, knew that text in the proposals was not his but still included it in his proposals without proper citation and without anything to distinguish the copied text from his own words. We therefore conclude that the Subject acted knowingly when he copied text and the figures into his proposals.

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<sup>20</sup> Tab 6, page 2

<sup>21</sup> [REDACTED]

<sup>22</sup> 45 C.F.R. §689.2(c).

<sup>23</sup> NSF Grant Proposal Guide, Chapter 1, Section D.3.

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Significant Departure

By a preponderance of evidence standard, we conclude the Subject knowingly copied unattributed text into his proposals without appropriately distinguishing the text from his own work. In doing so, the Subject significantly departed from the accepted practices of his research community and NSF. A major scientific publisher in the Subject's field states, "Plagiarism constitutes unethical scientific behavior and is never acceptable. Proper acknowledgement of the work of others used in a research project must always be given."<sup>24</sup> Accordingly, we conclude that the Subject knowingly plagiarized and, hence, committed research misconduct.

OIG's Recommended Disposition

In deciding what actions are appropriate when making a finding of research misconduct, NSF must consider several factors. These factors include how serious the misconduct was; degree of intent; whether it was an isolated event or part of a pattern; its impact on the research record; and other relevant circumstances.<sup>25</sup>

Seriousness

As we noted above, we concluded the preponderance of evidence supports the conclusion that the Subject acted knowingly when he plagiarized material into his proposals. Plagiarism violates research integrity and is a significant departure from accepted practices in the research community. We conclude the amount of plagiarized material is sufficiently serious to warrant a finding of research misconduct.

Impact on the Research Record

The effect on the research record as a result of the Subject's actions was moderate. Because this proposal was awarded, it is available to the public through a Freedom of Information Act request.

Pattern

We found no evidence of pattern of plagiarism.

Subject's Response

We provided the Subject with a copy of our draft report and attachments for comment.<sup>26</sup> We reviewed the Subject's response<sup>27</sup> and determined that it did not provide adequate reason for OIG to change its original determinations and recommendations. The subject raised some points

<sup>24</sup> See the "SPIE Code of Ethics" at <http://spie.org/Documents/ConferencesExhibitions/SPIE-Code-of-Ethics.pdf>. In his biographical sketch submitted to NSF, the Subject lists a paper published in a SPIE journal. [REDACTED]

<sup>25</sup> 45 C.F.R. §689.3(b).

<sup>26</sup> Tab 8.

<sup>27</sup> Tab 9.

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already addressed in our report, and reiterated that he takes responsibility and expressed regret for his actions. He "agree[d with] the conclusion in the report that [his] explanation [did] not dispel the allegation" and that "there is no excuse to the mistakes [he] made."

**Recommendations**

Based on the evidence, we recommend NSF:

- Send the Subject a letter of reprimand notifying him that NSF has made a finding of research misconduct.<sup>28</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>29</sup> The instruction should be in an interactive format (*e.g.*, an instructor-led course) and specifically include plagiarism.

For a period of 1 year as of the date of NSF's finding:

- Require the Subject to submit a contemporaneous certification to the AIGI, for each document (proposal, report, etc.) to which the Subject contributes for submission to NSF (directly or through his institution), that the document does not contain plagiarism, falsification, or fabrication.<sup>30</sup>

- Bar the Subject for a period of 1 year from participating as a peer reviewer, advisor, or consultant for NSF.<sup>31</sup>

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<sup>28</sup> A Group I action 45 C.F.R. 689.3(a)(1)(i).

<sup>29</sup> This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).

<sup>30</sup> This action is similar to 45 C.F.R. 689.3(a)(1)(iii).

<sup>31</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

MAR 21 2013

**VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

[REDACTED]

*Re: Notice of Research Misconduct Determination*

Dear [REDACTED]

You served as a Principal Investigator on a Small Business Innovation Research Phase I proposal submitted for funding to the National Science Foundation ("NSF") entitled, [REDACTED] As documented in the attached Investigative Report prepared by NSF's Office of Inspector General ("OIG"), this proposal contained plagiarized material.

**Research Misconduct and Proposed Sanctions**

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

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

45 CFR § 689.2(c).

Your proposal contained 61 unique lines of text copied from six source documents. 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 an isolated incident, and that the proposal at issue was funded. 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 March 15, 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) By March 15, 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; and
- (3) Until March 15, 2014, you are prohibited from serving as a reviewer, advisor, or consultant for NSF.

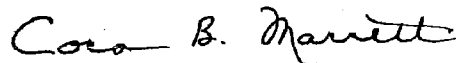
The certifications and written documentation of the training program should be submitted in writing to NSF's OIG, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia 22230.

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 that reads "Cora B. Marrett".

Cora B. Marrett  
Deputy Director

Enclosures

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