

NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

## CLOSEOUT MEMORANDUM

Case Number: A12090064

Page 1 of 1

Through an OIG proactive review, we identified a proposal with copied text. The attached Report of Investigation describes our investigation that resulted in NSF making a finding of research misconduct. The closeout documents consist of this Memorandum, our report, and NSF's adjudication. This case is closed with no further action taken.

# National Science Foundation Office of Inspector General



## Report of Investigation Case Number A12090064

August 21, 2013

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## Executive Summary

OIG's investigation identified a proposal that appeared to have 115 lines and 2 tables copied without appropriate attribution, *i.e.*, plagiarism. The Subject's explanation to our inquiry did not dispel the allegation, so we proceeded with our investigation. After reviewing other documents for a pattern of plagiarism, we again wrote to the Subject to request clarification of his earlier response and additional explanation for the copied text. The Subject's explanation did not mitigate the act of using plagiarized material in his proposal. Therefore, we concluded by a preponderance of the evidence standard that the Subject committed plagiarism, did so knowingly, and the subject's plagiarism represents a significant departure; hence, we concluded the subject committed research misconduct. We recommend NSF make a finding of research misconduct against the Subject, require the Subject to take an RCR course, and provide certifications for 1 year, as described in detail in this report of investigation.

## OIG's Inquiry and Investigation

### Inquiry

Through our proactive review, we identified an NSF-funded proposal<sup>1</sup> that contained approximately 100 lines of copied text from 8 sources.<sup>2</sup> The proposal listed a PI and two co-PIs. Three of the sources are neither cited nor referenced in the proposal. Five of the sources are listed in the reference section, but only two of those were cited near the copied text.<sup>3</sup> None of the copied text was offset or distinguished so as to enable a reader to differentiate the PI and co-PIs' own text from the copied text.

We contacted the three authors, co-PI1<sup>4</sup> (the Subject), co-PI2<sup>5</sup>, and the PI<sup>6</sup>, to inquire about the allegation of plagiarism.<sup>7</sup> The PI<sup>8</sup> and co-PI2<sup>9</sup> both identified the Subject as the contributor of the questioned material. The Subject<sup>10</sup> took responsibility for the copied text in the proposal. He maintained the copied text was due to his difficulty with English, time pressures, and his lack of familiarity with

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<sup>1</sup> Tab 1: [REDACTED] was awarded to the [REDACTED] for \$ [REDACTED]

<sup>2</sup> Source documents are Tab 2.

<sup>3</sup> Sources 1, 4, 5, 6, and 8 were in the reference section. Only sources 1 and 4 were cited to the reference near the copied text. Source 5 contains two copied tables.

<sup>4</sup> [REDACTED]

<sup>5</sup> [REDACTED]

<sup>6</sup> [REDACTED]

<sup>7</sup> Tab 3 is OIG's Inquiry letter to the subject; similar letters were sent to the PI and co-PI2.

<sup>8</sup> Tab 4

<sup>9</sup> Tab 5

<sup>10</sup> Tab 6

the NSF Grant Proposal Guide. Further, he said the budget for the project was reduced to a point where his sections of the proposal were not being performed. Consequently, his collaboration on the awarded project has ended, and no funds were transferred to the Subject or his institution.

The Subject identified additional copied text in the proposal, and the three additional sources from which he copied without proper attribution.<sup>11</sup> One source is neither cited nor referenced in the proposal. The other two sources are listed in the references and cited near the copied text, but none of the copied text is offset or distinguished in any way, so a reader would not know the copied text was not the Subject's.

We found the Subject's explanation inadequate to dispel the allegation and determined there was sufficient substance to proceed to an investigation. After a phone conversation<sup>12</sup> with the Acting RIO at the Subject's institution, it was agreed that NSF OIG would take the lead in this case. Consequently, we conducted our own investigation.<sup>13</sup>

### Investigation

We sent the Subject a second letter requesting clarification of his comments, specifically his comments about not being aware of NSF's requirements.<sup>14</sup> In his reply,<sup>15</sup> the Subject clarified that although he had consulted NSF's Grant Proposal Guide during the preparation of his proposal, he more closely followed guidelines recommended for submitting manuscripts to professional society journals. The Subject included with his response an example<sup>16</sup> with a number of sections highlighted.<sup>17</sup> The Subject argued these guidelines support his contention that proper citation requires placing "greater efforts to cite the author's original peer-reviewed publications as much as possible over a secondary source".<sup>18</sup> The Subject also used this argument to rationalize including embedded references within his copied, verbatim text.

The Subject noted "this is an isolated instance, partly due to [his] inexperience", but acknowledged he "must assume full responsibility for my oversights for not making proper attribution".<sup>19</sup> He asserted "the omission in

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<sup>11</sup> Tab 7 contains the re-annotated proposal to include the sources identified by the Subject.

<sup>12</sup> OIG's Director of Administrative Investigations spoke with [REDACTED]'s Acting Research Integrity Officer on January 29, 2013.

<sup>13</sup> 45 C.F.R. § 689.5(f).

<sup>14</sup> Tab 8

<sup>15</sup> Tab 9

<sup>16</sup> Tab 10; [REDACTED]"

<sup>17</sup> Including "Always cite the original source of publication"; "Only references generally available through libraries should be listed in Literature Cited"; and "For literature citations of publications available or referenced online that were originally published in traditional print form, the original printed version should be cited."

<sup>18</sup> Tab 9, p. 1

<sup>19</sup> *Id.*, p. 13 [of the pdf]

attributions were not intentionally, knowingly, or recklessly done to avoid providing proper citations".<sup>20</sup>

We noted the Subject's C.V. indicated he earned a Ph.D. from a U.S. university,<sup>21</sup> so we asked the Subject if he received any training on the responsible conduct of research while there. The Subject said such training was not commonly available for graduate students at that time. He pointed out the difference in the documents and situations, but he acknowledged "the attribution I provided in the proposal was poor and it would not meet the citation standard at [the University] for my thesis."<sup>22</sup>

### 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>23</sup>

The Subject justified his use others' verbatim text without appropriate citation by arguing he relied on the publication standards of professional society journals that place greater emphasis on original, rather than secondary, publications. This argument is fallacious: the guidance suggests it is preferable to cite original research results, as opposed to, *e.g.*, a review article. In this case, when the Subject copied material from a source, that source is the *original* source of the text and should be cited. To copy an author's words, and justify depriving this author of appropriate credit by arguing the source from which the Subject copied is not the original source of the idea or result those words describe is disingenuous and could be used to justify copying the entirety of review articles and the background section of any paper without attribution.

The Subject argued the two tables copied from Source 5<sup>24</sup> were "not exactly copied from the source".<sup>25</sup> He asserted he made the tables his own by adding a column and, because he copied all the original data into his table, which included the original citations to the data, additional citation to the copied table could be considered redundant. The Subject's claim, that he cited the original source, so further citation is redundant, is duplicitous—the tables he copied contained a

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<sup>20</sup> Tab 9, p. 13

<sup>21</sup> [REDACTED]

<sup>22</sup> Tab 9, p. 6

<sup>23</sup> 45 C.F.R. §689.2(c).

<sup>24</sup> Due to a mislabeling of source numbers, the source numbers the Subject refers to are different from the source numbers in Tabs 2 and 9. The Subject's source numbers (SN) are related to the current numbers (CN) by the following translation: SN1=CN8, SN2=CN4, SN3=CN7, SN4=CN5, SN5=CN2, SN6=CN3, SN7=CN6, and SN8=CN1.

<sup>25</sup> Tab 9, p. 5

“Reference” column, and the source authors contributed original data to the table, so that original data are referenced, as all other data are, in that column.<sup>26</sup> There is no additional, separate citation to the source for the copied table. Further, this explanation completely disregards the amount of work required of the source authors to create the table, and properly cite the source material, in their original publication. Similarly, the Subject noted he is aware of when it is necessary to properly cite and provided an example of proper citation.<sup>27</sup> He illustrated this point by noting the second half of paragraph, in which the first half was copied, was not copied and contained citations to the sources.<sup>28</sup>

We conclude the Subject, by not citing the sources from which he copied, and not distinguishing that text from his own, failed to provide appropriate credit to the authors he copied. Therefore, we conclude the Subject’s act meets NSF’s definition of plagiarism.

### The Act

The Subject copied approximately 115 lines of text and 2 tables from 11 different source documents in his NSF proposal. As described above, by failing to appropriately distinguish verbatim copied material from his own original material, the Subject presented the work of others as his own work and, thus, failed to give appropriate credit to the original authors, which meets NSF’s definition of plagiarism.

### Intent

The Subject claimed he did not intend to omit attributions, but his use of embedded references<sup>29</sup> demonstrate that he knew he was copying text without providing attribution to the source from which he copied it. His incorporation of text into the body of his proposal demonstrated his intent to use others’ words as his own. The Subject claimed a lack of knowledge about how to properly cite, but, as noted above, the fact that he provided an example of properly cited text to “showcase an example of proper attribution to specific information or ideas,”<sup>30</sup> completely undermines his assertion that inexperience or a lack of knowledge excuses his lack of appropriate citation practices. Additionally, the Subject knew his failure to cite the sources of his plagiarized material would not have been acceptable when writing his thesis. Therefore, we conclude the Subject acted knowingly when he copied text and tables into his proposal.

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<sup>26</sup> Compare Source 5 (Tab 2, p. 5 & 9) to Tab 7, p. 9.

<sup>27</sup> Tab 9, p. 3

<sup>28</sup> The text to which the Subject refers is Tab 7, p. 8.

<sup>29</sup> Embedded references are citations copied with the text and make it appear the text was cited to those embedded references, rather than the source from which the text was actually copied.

<sup>30</sup> Tab 9, p. 3

### Significant Departure

By a preponderance of evidence standard, we conclude the Subject knowingly plagiarized text and tables into his proposal. The Subject misrepresented the journal guidelines he followed, and research journals consider plagiarism a violation of their standards of publication.<sup>31</sup> The Subject acknowledged his citation practice would not have been acceptable at the University. The Subject copied approximately 115 lines of text and 2 tables, which is a significant departure from community and NSF standards. Thus, we conclude the Subject significantly departed from the accepted practices of his graduate university, his research community, and NSF.

Accordingly, since we conclude the Subject knowingly plagiarized and the plagiarism was a significant departure from accepted standards, we conclude the Subject 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>32</sup>

#### Seriousness

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 is moderate. Because the proposal was funded, the proposal, including the plagiarized text and tables, is available to the public through a Freedom of Information Act request.

#### Pattern

We found no evidence of pattern of plagiarism.

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<sup>31</sup> See, for example, the *Journal of Virology*, *Plant Disease* and other journals of The American Phytopathological Society, and *PLOS One*. The Subject has published in these journals.

<sup>32</sup> 45 C.F.R. §689.3(b)

### **Subject's response to draft ROI**

The Subject responded<sup>33</sup> by apologizing for his poor judgment. He confirmed our conclusion that this was an isolated incident. He reiterated that, due to budget and scope restructuring, his part of the project was removed and no funding went to his lab. He recognized the benefit of taking an RCR course, but preferred online training. We did not make any changes to our report based on his response.

### **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>34</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>35</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, or another's, institution), that the document does not contain plagiarism, falsification, or fabrication.<sup>36</sup>

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<sup>33</sup> Tab 10

<sup>34</sup> A Group I action 45 C.F.R. 689.3(a)(1)(i)

<sup>35</sup> This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).

<sup>36</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  
DIRECTOR

MAR 17 2014

**CERTIFIED MAIL --RETURN RECEIPT REQUESTED**



*Re: Notice of Research Misconduct Determination*

Dear Dr. [REDACTED]

You served as co-Principal Investigator on a proposal funded by 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;
- (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 to NSF contained substantial copied material: 115 lines of text and two tables copied from eleven different sources. Your submission of proposal with substantial copied

material constitutes plagiarism and meets the applicable definition of “research misconduct” set forth in NSF’s regulations.

Pursuant to NSF’s 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, including your University’s findings, 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, consequently, 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, the impact on the research record, and the determination that it was knowing. I have also considered other relevant circumstances. 45 CFR 689.3(b).

After assessing the relevant facts and circumstances of this case and NSF’s regulations, I am taking the following actions:

- Within one year of the date of this notice, you must complete a responsible conduct of research training program, for which the instruction should be an interactive format (e.g., an instructor-led course) and which specifically includes plagiarism. You must provide documentation of the program’s content and proof of its completion to the OIG; and
- For a period of one year from the date of this notice, you are required to submit certifications to the OIG that any proposal or report you submit to NSF as a Principal Investigator (PI) or co-PI does not contain plagiarized, falsified or fabricated material.

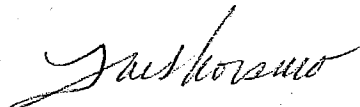
All certifications and assurances should be submitted in writing to NSF’s Office of Inspector General, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia, 22230.

Procedures Governing Appeals

Under NSF's regulations, you have 30 days after receipt of this letter to submit an appeal of this finding, 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, the decision on the finding of research misconduct will become final.

For your information, we are attaching a copy of the applicable regulations. Should you have any questions about the foregoing, please contact [REDACTED], at (703) 292-8060.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Fae Korsmo', written in dark ink.

Fae Korsmo  
Senior Advisor to the Director

Enclosures:  
Investigative Report  
45 CFR Part 689