

Closeout for M98010003

The subject¹ submitted a proposal² that was alleged to have plagiarized material that had been taken from an NSF grant.³ Our investigation report and the NSF Deputy Director's letter reflecting his decision constitute the closeout for this case.

cc: Integrity, IG

¹ (footnote redacted).

² (footnote redacted).

³ (footnote redacted).



OFFICE OF THE
DEPUTY DIRECTOR

March 22, 2000

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

Re: Notice of Misconduct in Science Determination

Dear Dr. : :

In November, 1997, you submitted a proposal to the Division of
at the National Science Foundation
entitled

As documented in the attached
Investigative Report prepared by NSF's Office of Inspector
General (OIG), your proposal contained plagiarized text from an
NSF-funded proposal.

Scientific Misconduct and Proposed Sanctions

Under NSF's regulations, "misconduct" is defined to include
"plagiarism, or other serious deviation from accepted practices
in proposing, carrying out, or reporting results from activities
funded by NSF." 45 CFR. §689.1(a).

Your proposal contains verbatim text from an NSF-funded
proposal¹. You acknowledge that you copied verbatim text from
the proposal without proving proper attribution. By submitting a
proposal to NSF that copies the ideas or words of another without
adequate attribution, as described in the Investigation Report,
you misrepresented someone else's work as your own. This
constitutes plagiarism as well as a serious deviation from
accepted practices within the scientific community. I therefore
conclude that you committed misconduct in science under NSF's
regulations.

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 §689.2(a). Group I actions include issuing a
letter of reprimand conditioning awards on prior approval of

¹ The proposal was entitled

particular activities from NSF; and requiring certifications on the accuracy of reports or assurances of compliance with particular requirements. 45 CFR §689.2(a)(1). Group II actions include restrictions on designated activities or expenditures; and special reviews of requests for funding. 45 CFR §689.2(a)(2). Group III actions include suspension or termination of awards; debarment or suspension from participation in NSF programs; and prohibitions on participation as NSF reviewers, advisors or consultants. 45 CFR § 689.2(a)(3).

In deciding what response is appropriate, NSF has considered the seriousness of the misconduct, whether it was deliberate or careless; whether it was an isolated event or part of a pattern; and whether the misconduct affects only certain funding requests or has implications for any application for funding involving the subject of the misconduct finding. See 45 C.F.R. §689.2(b).

The plagiarism is serious because it appeared throughout your proposal and constituted a substantial portion of the proposal. However, a mitigating factor is that this was an isolated incidence of plagiarism rather than a pattern of behavior. In addition, you obtained a copy of the grant through legitimate channels. Finally, you fully cooperated in the investigation and appear to be genuinely remorseful about your conduct.

has already taken several steps to address your misconduct, including the imposition of a three-year assurance requirement and no salary increase for a year. I, therefore, take the following action:

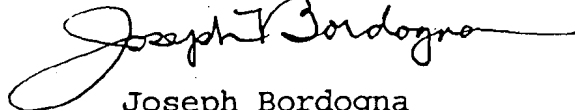
- If you submit any documents to NSF in connection with an NSF proposal or award within three years from the date of this letter, you must simultaneously submit a copy of the document along with a separate written certification to the Office of Inspector General, Associate Inspector General for Scientific Integrity, 4201 Wilson Boulevard, Arlington, Virginia 22230. The certification shall state that you have reviewed NSF's Misconduct in Science Regulation (45 C.F.R. Part 689) and that the document contains no plagiarized material.
- For the same time period, if you submit a document to NSF in connection with an NSF proposal or award, you must ensure that your Department chairperson or Dean simultaneously submits an assurance to the Office of Inspector General that, to the best of that person's knowledge, the document does not contain any plagiarized material.

Finally, in addition to the above actions, you have agreed to teach a course without pay at your University on ethics in scientific research. Please provide the Office of Inspector General with a copy of the course outline and written verification from your Department chairperson or Dean that you actually taught the course to students.

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 §689.9(a). Any appeal should be addressed to the Director at the National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. For your information we are attaching a copy of the applicable regulations. If you have any questions about the foregoing, please call Lawrence Rudolph, General Counsel, at (703) 306-1060.

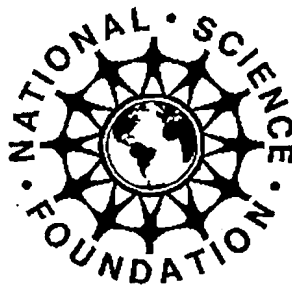
Sincerely,

A handwritten signature in dark ink, appearing to read "Joseph I. Bordogna". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joseph Bordogna
Deputy Director

Enclosures

CONFIDENTIAL



NSF OIG Investigation Report

September 23, 1999

OIG Case Number M98010003

REPORT OF INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT IN SCIENCE

Summary

The Office of Inspector General (OIG) has concluded that the subject¹ plagiarized from a National Science Foundation (NSF) grant² into a proposal³ he submitted to NSF. The subject's university conducted an inquiry and investigation into the allegation, and found the subject committed plagiarism, and hence, misconduct in science. The subject has acknowledged his responsibility for the plagiarism. We concur with the University's finding.

We recommend that NSF find that the subject committed misconduct in science and take the following actions as a final disposition in this case. First, NSF should send a letter of reprimand to the subject informing him that NSF has made a finding of misconduct in science against him. Second, for 3 years from the final disposition of this case, NSF should require the subject to submit a certification to OIG that any documents the subject submits to NSF contain no plagiarism. Third, for the same period, NSF should require the subject to provide OIG a copy of the University assurance requiring his Department Chair or Dean to state that the subject's NSF proposals and associated documents contain no plagiarism. Fourth, in lieu of debarment, we recommend NSF work with the subject (and his Chair) to refine and implement his plan to teach a science ethics course at his university.

Background

It was alleged that the subject's proposal (Tab 1) was based on the same basic ideas put forth in the grant (Tab 2) and plagiarized text in the grant. Our comparison of the subject's proposal to the grant shows that the subject's proposal contained approximately 136 lines of text that appeared to have been copied from the grant. The copied text appeared throughout the proposal, including most of the text in the Project Summary, Development Plan, and Equipment Request, with only minor modifications. The subject told us he used the grant, which he obtained from its PI, to prepare his proposal,⁴ but failed to reference it. Therefore, we concluded the allegation had sufficient substance to proceed to an investigation, and we referred it to the University.

¹ (footnote redacted).

² (footnote redacted).

³ (footnote redacted).

⁴ Our 7/13/98 letter to the subject, and his 7/31/98 response, are under Tab 3.

University's Inquiry and Investigation

The University's policy required it to conduct an inquiry into any allegations of misconduct before proceeding to an investigation. The Dean⁵ who conducted the inquiry concluded that there was sufficient substance to the allegation to proceed to an investigation.

The University asked an independent scientist (the investigator)⁶ to help with the investigation, particularly to research the possibility of other plagiarism by the subject. He analyzed the allegation of plagiarism (which he called Issue 1)⁷ with respect to the act and intent, and whether the subject's alleged plagiarism was part of a pattern of copying others' text (which he called Issue 2).^{8, 9}

Allegation of Plagiarism¹⁰

The investigator noted that in the subject's response to OIG, he acknowledged that he received a copy of the grant and used it to prepare his proposal.¹¹ The subject acknowledged and signed a statement for the University that all of the work in the proposal was not original and that his signed certification on page 2 of the NSF Cover Sheet was not true.¹²

The subject told us he had been careless and his actions lacked intent.¹³ The investigator dismissed the subject's arguments as not relevant. He concluded that even if the subject had included a reference to the grant in his proposal, "the extent of the unattributed text is too great to be accounted for by a single reference,"¹⁴ and that the subject's "relevant 'intent' was to use large segments of the text of [the grant] with no specific attribution."¹⁵ His conclusion was

The un-cited use of verbatim text taken from [the grant] and used in [the proposal] by the [subject] without proper attribution of any sort constitutes plagiarism. This is misconduct in science under the NSF definition. The preponderance of the evidence establishes that the [subject] committed misconduct in science as alleged in Issue 1.¹⁶

⁵ (footnote redacted).

⁶ (footnote redacted).

⁷ Tab 4, Attachment 2, pp. 5-8.

⁸ *Ibid.*, pp. 9-19.

⁹ The University's investigation report, including the investigator's report, is under Tab 4.

¹⁰ Issue 1.

¹¹ Tab 4, Attachment 2, pp. 5, 8.

¹² *Ibid.*, p. 8.

¹³ Tab 3.

¹⁴ Tab 4, Attachment 2, p. 8.

¹⁵ *Ibid.*

¹⁶ *Ibid.* Bold emphasis omitted from quotation.

Evidence of a Pattern¹⁷

To assess whether a pattern of plagiarism existed, the investigator compared the subject's proposals and publications with publications cited in his proposals and a large number of abstracts identified as "related" by MEDLINE.^{18, 19} The investigator did not find other instances of plagiarism and therefore concluded that "the preponderance of the evidence showed no pattern of plagiarism."²⁰

The University's Conclusion

The University concluded the subject committed misconduct in science. Its report said the "conclusion [wa]s based on the finding of plagiarism in the NSF grant proposal and the gross negligence of [the subject] [wa]s neither citing [the grant] in the text nor in the reference list."²¹ The report stated that the subject completely cooperated with the investigation, admitted the plagiarism, and took full responsibility for the action.

The University imposed two sanctions upon the subject:

- 1) For a three-year period, assurance of original work for all NSF proposals submitted by [the subject]. An administrator of the University, either the chair of the [subject's department] or the Dean of Academic Affairs, would provide this assurance.
- 2) For a one year period, no increase in salary. . . . [T]aking into account forgone salary as well as forgone benefits associated with the forgone salary, the cumulative financial penalty amounts to approximately \$30,000.²²

OIG's Assessment

We believe the University's report and attachments represent a fair, accurate, and thorough analysis of the allegation.

¹⁷ Issue 2.

¹⁸ The National Library of Medicine's MEDLINE can search for publications by authors or titles, and it can identify related articles.

¹⁹ See Tab 4, Attachment 2, p. 9 for a discussion of the technique, pp. 9-18 for a discussion of the documents identified and examined, and the Appendixes for the details of the specific documents.

²⁰ Tab 4, Attachment 2, p. 19.

²¹ Tab 4, p. 6.

²² Tab 4, p. 2. The University's sanction letters immediately follow the report (Tab 4).

Misconduct In Science

NSF defines misconduct in science, in relevant part, as “[f]abrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing, carrying out, or reporting results from activities funded by NSF” (45 C.F.R. § 689.1(a)(1)). A finding of misconduct in science against a subject requires that the subject both committed a bad act and did so with a level of culpable intent that justifies taking action against the subject. In order to make a finding of misconduct, the subject must have acted, minimally, with gross negligence. NSF’s standard of proof in evaluating each element of misconduct in science is a preponderance of the evidence.

The Act

The subject admitted that he copied verbatim text from the grant into the proposal he submitted to NSF without attribution or distinction.²³

Intent

We believe the subject acted culpably when he copied 136 lines without distinction and attribution from the grant into his proposal. Copying is inherently a knowing activity, and the extent of the subject’s copying without attribution or distinction, together with how well that material was integrated into his proposal, supports the conclusion the subject acted knowingly. We concur with the investigator that the subject’s intention was to use the grant’s text without attribution.

Seriousness

By portraying the work of another scientist as his own, the subject seriously deviated from the accepted practice, not only in his scientific community, but also in the wider scientific and engineering community. What NSF expects from scientists and engineers who submit proposals is clearly spelled out in the *Grant Proposal Guide*, which contains the forms and instructions used by PIs to submit proposals to NSF.²⁴

NSF expects strict adherence to the rules of proper scholarship and attribution. The responsibility for proper attribution and citation rests with authors of a research proposal; all parts of the proposal should be prepared with equal care for this concern. Serious failure to adhere to such standards can result in findings of misconduct in science.

Although the scientific community routinely states that copied material should be appropriately cited and distinguished,²⁵ the subject included no references or citations to the grant from which he copied substantial amounts of verbatim text

²³ We use distinction to indicate a method, such as indentation or quotation marks, that is used to differentiate copied material from original material in a document.

²⁴ NSF 95-27, Section A.3. and Section B, p. 1.

²⁵ See, e.g., M.C. LaFollette, *Stealing Into Print Fraud, Plagiarism, and Misconduct in Scientific Publishing* (Univ. of CA Press 1992) pp. 48-53; and references therein.

into his proposal without distinction. During the University's investigation, he agreed that he falsely certified on the NSF Certification Page to the originality of the proposed work.

Conclusion Regarding Misconduct In Science

We concur with the University's finding that the subject committed plagiarism, and hence misconduct in science. We conclude that the subject acted knowingly when he copied material from the grant without distinction or attribution. We conclude he committed plagiarism—a serious deviation from accepted practices and misconduct in science.

Subject's Response

The subject responded to the draft investigation report by agreeing with three out of the four recommendations we made. He asked that we reconsider our recommendation for a one year debarment. He argued that his grants are primarily for the support of students and, therefore, a debarment would "hurt [his] students and the department as much as it would hurt [him]."²⁶ He reiterated that the University Investigator found no evidence of a pattern of plagiarism, and that he had received the copied material from its author with the author's knowledge of his intended use of that material, not from confidential peer review.

The subject thought that the three-year certification and assurance would protect NSF's interests, and proposed teaching a one-semester course in science ethics to students as "community service" in lieu of debarment. He has the permission of his Department Chair to teach the course next fall. He said he will teach this course in addition to his normal teaching load and will not be paid to teach it. He included a draft syllabus (Tab 5).

Recommended Disposition

Under 45 CFR § 689.2(b) of NSF's misconduct in science and engineering regulation, when deciding what actions are appropriate when misconduct is found, NSF officials must consider the seriousness of the misconduct, the intent with which the subject acted, any evidence of a pattern, and finally, its relevance to other funding requests or awards involving the university or the individual.

We conclude the subject plagiarized, that this behavior was a serious deviation from the practices of both the subject's research community as well as the broader scientific community, and that it violated NSF's expectation of how proposals should be prepared.

²⁶ Tab 5, p. 1.

We believe the certification action recommended below, in conjunction with the University's required assurance, are appropriate actions for NSF to take in this case. In combination, we believe it ensures that NSF's interests are protected. In addition, we believe the subject made cogent points regarding the nature of his awards and the disproportional impact of debarment on his students and department. The subject told us that his research is generally too applied to be eligible for NSF research awards and, therefore, focuses on proposals to support his students. The subject's current award,²⁷ on which he is co-PI, is a Graduate Research Traineeship. The subject told us that because of the PI's health problems, he has taken over most of the responsibility for the students. He told us if he were debarred, it would be difficult to select an alternate PI because his research is unique within the (small) department. Additionally, he plans to submit an Integrative Graduate Education and Research Training proposal in the winter, which would not be allowed if he were debarred.

We feel the subject's offer, to teach an ethics course to the University's students, is consistent with NSF's goals of educating the next generation of scientists, who can benefit from the subject's experience, and should be pursued.²⁸ We therefore recommend:²⁹

1. NSF send a letter of reprimand to the subject informing him that NSF has made a finding of misconduct in science against him.³⁰
2. NSF, for 3 years from the final disposition of this case, require the subject to certify that any documents he prepares and submits in connection with an NSF-supported project contain no plagiarism, *i.e.*, the documents are either entirely the work of the subject or they distinguish others' work and contain the appropriate citations and references.³¹
3. NSF, for 3 years from the final disposition of this case, require the subject to provide to us a copy of the assurance required by his University. The assurance should be from the subject's Department Chair or the Dean, and state that to the

²⁷ (footnote redacted).

²⁸ However, there are some points, associated with this recommendation, that should be worked out. We note the subject's plan is a rough outline and that prior to implementing the recommendation (# 4), NSF should receive a detailed plan from him that requires the subject to provide documentation, such as a University enrollment list and/or student evaluations, verifying the course was taught and attended by students. Because this recommendation necessarily involves cooperation with the University, we suggest that NSF also coordinate with the Chair of the subject's department in addition to the subject.

²⁹ A mitigating factor in our recommendations is that the subject completely cooperated with the University (including providing all the documents requested for the search for evidence of a pattern of plagiarism) and us in resolving this matter, and appears genuinely remorseful about his action. In his response to us (Tab 3), he said he was "terribly embarrassed by this situation. [The grant's PI's] works should have been loudly praised rather than slighted. Please extend to him my deepest and most heartfelt apologies." The investigator noted the subject's "demeanor was open and contrite," and he found the subject's responses to questions credible.

³⁰ This is a Group I action (§ 689.2(a)(1)(i)).

³¹ This is a Group II action (§ 689.2(a)(2)(ii)).

best of his or her knowledge, the subject's work associated with any NSF-supported publication or submission to NSF does not contain any plagiarized material.³²

4. NSF accept the subject's offer to teach, without pay, a course for students on ethics in scientific research.

The subject's certification, assurance, and course information should be sent to the Associate Inspector General for Scientific Integrity for retention in OIG's confidential file on this matter.

³² This is a Group I action (§ 689.2(a)(1)(iii)).