



NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

## CLOSEOUT MEMORANDUM

Case Number: M-99080041

Page 1 of 1

Our office received an allegation that the subject<sup>1</sup> plagiarized text and figures from six separate source documents into a Small Business Innovation Research Phase I proposal he submitted to NSF. Although it is NSF's policy and practice to defer investigations to awardees whenever practicable, in this particular instance, there were two reasons why we chose not to defer the investigation. First, the institution is a small company with 4 employees that would have inherent conflicts of interests in conducting an objective investigation. Second, the company no longer employed the subject.

Our investigation found that the subject had plagiarized text and figures from the source documents. Based on our investigation, we recommended that NSF find that the subject committed misconduct in science. Our investigation report, the Deputy Director's 11 March 2002 letter reflecting his decision and this memo constitute the closeout for this investigation.

<sup>1</sup> [REDACTED] was formerly employed at [REDACTED]

	Agent	Attorney	Supervisor	AIGI
Sign / date	[REDACTED]	[REDACTED]	[REDACTED]	

**NATIONAL SCIENCE FOUNDATION**

4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DEPUTY DIRECTOR

MAR 11 2002

**CERTIFIED MAIL --RETURN RECEIPT REQUESTED**

[REDACTED]

Re: Notice of Misconduct in Science Determination

Dear [REDACTED]

The National Science Foundation (NSF) has concluded that you committed misconduct in science when you engaged in plagiarism in a proposal that you submitted to NSF's Small Business Innovative Research Program (SBIR) in 1999.

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). The NSF's Office of Inspector General's Investigation Report establishes that you copied text and figures from six source documents in your proposal, without proper attribution and without the authors' permission. The report indicates that you did not provide citations to four of the six source documents. Although you did provide citations to two of the source documents, you did not distinguish the copied material in a manner which apprised the reader of the extent to which you verbatim copied text and figures from these source documents.

By submitting a proposal to NSF that copies text of another without adequate attribution and distinction, and without the author's permission, you misrepresented someone else's work as your own. It also undermines the integrity of your proposal.

I therefore have determined that your copying in an NSF proposal without providing appropriate attribution to the original authors' works constitutes plagiarism and a serious deviation from accepted practices under NSF's regulations. See 45 CFR §689.1(a). I also conclude that you acted recklessly when you failed to properly cite to the source documents or distinguish the copied material.

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. 45 C.F.R. § 689.2(b).

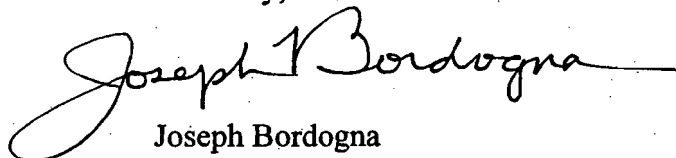
I have considered several mitigating factors in this case. First, you did include citations to two of the source materials even though you did not adequately disclose the extent of your copying from the source articles. Second, at the time that the misconduct occurred, you were a relatively inexperienced researcher. Third, the majority of the plagiarized material was in the background section of your proposal. Fourth, I believe that you acted recklessly rather than intentionally.

In light of these mitigating factors, I am issuing this letter as an official reprimand. In addition, if you are the principal investigator or co-principal investigator on any proposal submitted to the National Science Foundation within one year from the date of this letter, you must submit to the Associate Inspector General for Investigations, Office of Inspector General, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia, 22230, a copy of such proposal, together with a written certification indicating that, to the best of your knowledge, your proposal does not contain anything that violates NSF's scientific misconduct regulations at 45 CFR Part 689.

You indicate that you have learned a valuable lesson from this experience and I hope that this will be an anomaly in your career. This finding of misconduct in science does not preclude you from applying for NSF funding in the future or serving as a merit reviewer.

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 Anita Eisenstadt, Assistant General Counsel, at (703) 292-8060.

Sincerely,

A handwritten signature in dark ink, reading "Joseph Bordogna". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joseph Bordogna  
Deputy Director

Enclosures (2)  
Investigative Report  
NSF's Misconduct in Science Regulations

# Confidential



## Office of Inspector General

### *Investigation Report*

OIG Case M99080041

27 SEPTEMBER 2001

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# REPORT OF INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT IN SCIENCE

## SUMMARY

The Office of Inspector General (OIG) has concluded that the subject<sup>1</sup> plagiarized text and figures from six separate source documents into a Small Business Innovation Research (SBIR) Phase I proposal he submitted to the National Science Foundation (NSF). We recommend that NSF's Deputy Director send the subject a letter of reprimand informing him that NSF has made a finding of misconduct in science against him and that when proposals are submitted by him or on his behalf to NSF, he be required to submit a certification to OIG that, to the best of his knowledge, they contain nothing that violates NSF's Misconduct in Science and Engineering regulation. NSF should inform the subject that the certification requirement is in effect until 2 years have elapsed from the final disposition of this case.

## OIG's INQUIRY

OIG received an allegation that the subject, an inexperienced researcher working at a small company,<sup>2</sup> plagiarized material from six source documents into the proposal he prepared for submission to NSF by the company.<sup>3</sup> Copies of the relevant parts of the source documents and the NSF proposal are attached at Tabs 1 (Attachments A through F)<sup>4</sup> and 2, respectively, with the identical text and figures underlined in red, labeled, and cross referenced between the source documents and the proposal. The NSF proposal contains approximately 5 pages of background material, including text and three figures, that is identical to material in the source documents. Two sections of text in the proposal contain a reference to the corresponding source documents (Attachments D and F), but none of the identical material in the proposal is distinguished from other text in the proposal to show that it is not original to the subject.

<sup>1</sup> [REDACTED] employed [REDACTED] received his B.S., M.S., and Ph.D. in [REDACTED] respectively.

<sup>2</sup> [REDACTED] Ohio. It has 4 employees.

<sup>3</sup> NSF proposal [REDACTED] entitled [REDACTED]  
[REDACTED] was signed by the subject on 8 June 1999.

<sup>4</sup> Attachments A through F:

Attachment A - [REDACTED] (since the date that  
Attachment A was printed, the figure on the website has been changed);

Attachment B - [REDACTED]  
[REDACTED] submitted by [REDACTED]  
[REDACTED] May 1996;

Attachment C - [REDACTED] by [REDACTED] in [REDACTED]

Attachment D - [REDACTED] by [REDACTED]

Attachment E - [REDACTED] by [REDACTED]

[REDACTED] Ph.D. thesis, [REDACTED] Dec. 1998;

Attachment F - [REDACTED] by [REDACTED]

## Subject's Response to OIG's Inquiry

In the subject's response to our request for information,<sup>5</sup> he attempted to explain why he had copied text and figures from multiple source documents. He said he did not "steal and pass off ideas of another as [his] own,"<sup>6</sup> but that he used the published literature to support his proposal.<sup>7</sup> He explained that he did provide some references in his proposal but acknowledged that he "should have rephrased some of the cited materials"<sup>8</sup> that he used. He explained he was part of a research group<sup>9</sup> that published five of the six source documents and some of the materials he used were in reports, publications, proposals and presentations that he was working on. His primary supervisor,<sup>10</sup> when he was with the group, authored three of source documents and a second supervisor of the group<sup>11</sup> authored three. Consequently, because the subject felt he was part of the group, he did not request permission to use the information. He pointed out that half of the references he cited in his proposal were authored by one or both of the group's two supervisors "indicating again that their high quality works played an important role in my proposed ideas."<sup>12</sup> Some of the publications he referenced in the proposal, he co-authored as part of the group. He stated that the ideas in the proposal were novel and resulted as a "spin-off"<sup>13</sup> of his and the group's work.

With respect to Figure 1 and associated text in the proposal copied from source document A, the subject explained that it was an oversight on his part to not have provided the reference from the internet.<sup>14</sup> With respect to materials copied from source documents B, C, and D,<sup>15</sup> the subject provided examples of how he used his primary supervisor's writing as a "template,"<sup>16</sup> and commented on some of these examples, stating "[t]his should not be considered plagiarism;" "I did not falsify information;" and "I credited the source."<sup>17</sup> He explained that he had prepared the proposal just 2 weeks after leaving the group and "still felt very much a part of [his primary supervisor's] group."<sup>18</sup>

While he was a member of the group, he said it was "not uncommon to share the works, sometimes also including the writing."<sup>19</sup> As an example, he said his primary supervisor authored a publication that included text copied from a proposal submitted to another federal agency<sup>20</sup> by the second supervisor in the group. However, our review of the other agency proposal showed that both supervisors were listed in it as working on it. That agency only allowed the Principal Investigator to sign and date the Cover Page. Other participants are listed on an adjoining page.

<sup>5</sup> Tab 3.

<sup>6</sup> Tab 4, page 3.

<sup>7</sup> Tab 4.

<sup>8</sup> *Id.* page 3.

<sup>9</sup> The subject notes in his 8 September 2000 response that he was part of two research groups, but these "two groups were always referred to as one" (Tab 4, page 2).

<sup>10</sup> [REDACTED] is a faculty member in the Department [REDACTED]

<sup>11</sup> [REDACTED] is a faculty member in the Department [REDACTED]

<sup>12</sup> Tab 4, page 4.

<sup>13</sup> *Id.*

<sup>14</sup> See Tab 4, page 1.

<sup>15</sup> Tab 1, Attachments B, C, and D.

<sup>16</sup> Tab 4, page 1.

<sup>17</sup> *Id.* page 2 (emphasis in original).

<sup>18</sup> *Id.* page 2.

<sup>19</sup> *Id.*

<sup>20</sup> Tab 1, Attachment B; Tab 4, Attachment B.

Therefore, the primary supervisor is a co-author of the other agency proposal and could subsequently use this text as his own. The subject's explanation fails to prove shared usage of unattributed text by other group members.

With respect to the unattributed copied text from the graduate student's thesis (source document E),<sup>21</sup> the subject explained that he "missed to add the reference."<sup>22</sup> He explained that he provided the graduate student with "help and suggestions"<sup>23</sup> and was acknowledged in the thesis by the graduate student for his aid. The subject provided a copy of the acknowledgment from the student's thesis<sup>24</sup> Even though he was acknowledged in the thesis, it did not permit him to copy the text without attribution into his NSF proposal.

With respect to the unattributed copied text from source document F,<sup>25</sup> he said he "missed to include the reference, but I did have the original author's reference."<sup>26</sup> As we noted above, although the subject included references to both documents D and F within the section of unattributed text he copied from each into his proposal, he did not indicate that the text had been copied verbatim.

The subject concluded his explanation by apologizing for the trouble that he might have caused and stated that:

[t]his is my first proposal and it was not funded. I was one of the best and the most favorite post-doctoral research fellows of [the two supervisors]. I had made tremendous contributions to their groups, and I was even hired as a consultant for their private company. I did not ask for their permissions with the above mentioned reasons but I am confident that they could understand. Nevertheless, this incident taught me a good lesson; I will not allow myself to get into this kind of problem again.<sup>[27]</sup>

#### Conclusion of OIG's Inquiry

We concluded the subject admitted that he copied the material into his proposal without attribution. His reasons for copying an extensive amount of text and figures from multiple source documents into his NSF proposal were insufficient to justify his actions. We opened an investigation.

NSF primarily relies on awardee institutions to prevent and detect misconduct.<sup>28</sup> It is OIG's policy and practice to defer investigations to awardees whenever practicable. In this particular instance, there were two reasons why we chose not to defer the investigation. First, the institution is a small company that would have inherent conflicts of interests in conducting an

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<sup>21</sup> Tab 1, Attachment E.

<sup>22</sup> Tab 4, page 3.

<sup>23</sup> *Id.*

<sup>24</sup> Tab 4, Attachment E.

<sup>25</sup> Tab 1, Attachment F.

<sup>26</sup> Tab 4, page 3.

<sup>27</sup> *Id.* page 4.

<sup>28</sup> 45 C.F.R. § 689.3(a).

objective investigation. Second, we learned that the subject no longer worked for the company. Accordingly, we initiated our own investigation.

### OIG'S INVESTIGATION

We wrote to the subject informing him that we initiated an investigation.<sup>29</sup> We requested additional information<sup>30</sup> about the figures and further clarification about his initial responses to our questions.

#### The Figures

With respect to the copied internet figure and associated text, the subject stated that he always provides "references for the technical information obtained from the internet."<sup>31</sup> He provided examples of when he had done this previously, but acknowledged, again, that he forgot to include the reference for Figure 1 in his proposal. His response clearly shows that he understood how to cite appropriately and that he had done so in the past.

We repeated our questions to the subject about two other figures in his proposal that he did not answer in our inquiry letter to him.<sup>32</sup>

Regarding Figure 6 in the subject's proposal, we asked the following:

We noted that the caption for figure 13 in source document D indicates that this figure was taken from [REDACTED] and [REDACTED].<sup>33</sup> Figure 6 in your proposal is identical to source document D's figure 13, including the caption and the reference to its origin ([REDACTED]).<sup>34</sup> However, we were unable to find this figure in the referenced source. It appears as if the original source document D's author provided an incorrect reference citation, which you copied without verification into your proposal. With respect to figure 6 in your proposal, did you verify that your proposal figure 6 was in [REDACTED] et al., [REDACTED] and [REDACTED]? If so, can you provide a copy of the page where this figure appears?<sup>[35]</sup>

The subject explained that he attempted to verify every single reference he cited in his proposal but "[a]pparently I missed this one."<sup>36</sup> In fact, the subject "missed" this one as well as five other

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<sup>29</sup> See Tab 5.

<sup>30</sup> Tab 6.

<sup>31</sup> Tab 7, page 1.

<sup>32</sup> Tab 3.

<sup>33</sup> [REDACTED]  
NY, 1988.

<sup>34</sup> *Id.*

<sup>35</sup> Letter to subject dated 15 December 2000 (Tab 6) at page 2.

<sup>36</sup> Tab 7, page 3.



source documents. In addition to copying this figure, he also copied an erroneous reference that was part of the figure caption.

Regarding Figure 7 in the subject's proposal, we asked the following:

Figure 4 in source document D is the same as figure 7 in your proposal. Figure 4 in source document D states that the author received permission to use the figure ("Ref. 50 with permission"). However, you do not provide a reference for figure 7 in your proposal. Did you request and receive permission to use this figure from the original authors of "reference 50" and/or the authors of source document D? If so, please provide this information and/or the person to contact to verify that you had permission.<sup>[37]</sup>

The subject explained that he:

added the reference of the original work, references 2 and 17 in the body of the description. The author of reference 2 had already presented the figure (Figure 7 in my proposal) with permission.<sup>[38]</sup>

The subject referenced the article that contained figure 7<sup>39</sup> in the text of his proposal. When he copied figure 7, verbatim, from the source document into his proposal, he failed to appropriately cite it. Because the authors of source document D<sup>40</sup> and "reference 50" worked as part of the group with the subject, he thought he had permission to use this figure.<sup>41</sup> The subject used this figure in his proposal without permission or appropriate attribution.

### The Text

In response to our request for examples of the subject's previous claim that "[s]ome of these materials had appeared in proposals, reports, publications, and presentation that [he] was working on,"<sup>42</sup> he provided eight examples to show that "some of the copied materials in [his] proposal . . . had appeared in these documents."<sup>43</sup> However, his examples fail to show that the copied text in his proposal was substantially similar to text already in published papers and presentations on which he was a co-author.<sup>44</sup>

Regarding the subject's unattributed use of text from a graduate student's thesis, the subject contacted the former student via e-mail to ask for his belated permission to use the information in his proposal. The student responded that this was acceptable.<sup>45</sup> Nevertheless, it

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<sup>37</sup> Letter to subject dated 15 December 2000 (Tab 6) at page 2.

<sup>38</sup> Tab 7, page 3.

<sup>39</sup> Tab 1, Attachment D, page 3240, Figure 4.

<sup>40</sup> Tab 1, Attachment D.

<sup>41</sup> Tab 7, page 3.

<sup>42</sup> Tab 4, page 4.

<sup>43</sup> Tab 7, page 1.

<sup>44</sup> All the examples show that the subject and his co-authors had worked on some of these same projects. This is not an issue in this case.

<sup>45</sup> Tab 7, Reference 5.

would not have relieved the subject of his scholarly responsibility to attribute the text to the student.

### Company Contact

The president<sup>46</sup> of the company responded to our request for information<sup>47</sup> and explained<sup>48</sup> that the company used the proposal preparation guidelines provided by the Small Business Administration for the state where the company is located. He said that the proposal ideas and preparation were the responsibility of the individual scientist. The president also expressed his support of the subject and suggested that we should consider that the subject may not have completely understood all aspects of proposal writing. The president said he did not believe the subject did anything wrong intentionally and he should be given a chance to learn from his mistakes. Finally, the president provided copies of two other declined proposals submitted to other federal agencies by the subject while he was at the company, Proposals A and B.<sup>49</sup>

Proposal A. Proposal A was submitted about a month after the NSF proposal. It proposes different research than either the NSF proposal or Proposal B. Proposal A contained about 13 lines of text in the background section that were essentially verbatim to the unattributed copied text in the NSF proposal.<sup>50</sup> We observed no additional material copied originally into the NSF proposal that then appears in Proposal A. However, part of Figure 4 that the subject cited appropriately in the NSF proposal is included as Figure 7 in Proposal A. He did not reference it in Proposal A.

Proposal B. Proposal B was submitted about 2 months after the NSF proposal and 1 month after Proposal A. Proposal B discusses different research than either of the other two proposals. There are six lines of text on page 11 in Proposal B that are verbatim to unattributed text copied in the NSF proposal and are different from the text copied in Proposal A.<sup>51</sup> As in the NSF proposal, the unattributed copied text in Proposal B refers to two figures (figures 9 and 10). In the NSF proposal, both figures are appropriately referenced (figures 8 and 9, respectively). In Proposal B, neither figure is appropriately attributed.

Proposals A and B contain text that is identical to unattributed copied text in the NSF proposal. The subject either used the source document text as a template for all three proposals, or used the NSF proposal as a template for his subsequent submissions. In either case, he copied text without attribution. In addition, the subject also copied figures into Proposals A and B, that he cited appropriately in the NSF proposal, but that he failed to cite in Proposals A and B.

### OIG'S CONCLUSION REGARDING MISCONDUCT IN SCIENCE

<sup>46</sup> [REDACTED] the president of the Company, as far as we know, is not related to the subject.

<sup>47</sup> Tab 8.

<sup>48</sup> Tab 9.

<sup>49</sup> Proposal A is a NASA SBIR proposal [REDACTED] entitled [REDACTED]. It was signed on 9 July 1999 by the subject as PI. Proposal B is a Department of Defense SBIR proposal [REDACTED] entitled [REDACTED]. It was signed on 10 August 1999 by the subject as PI.

<sup>50</sup> See Tab 9 for annotated copy – pages 6 and 7.

<sup>51</sup> See Tab 9 for annotated copy – page 11.

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.”<sup>52</sup> For NSF to make a finding of misconduct in science, a preponderance of the evidence must support the conclusions that the subject both committed a bad act and did so with a level of culpable intent that justifies taking action against the subject.<sup>53</sup>

### The Act

When a proposal author copies material from another author’s materials, the copied text must be clearly cited to the source and marked by font, indentation, quotation marks or other means from the material he authored so that readers can distinguish text original to the author of the proposal. If the proposal author describes in his own words another’s idea, then a citation alone is sufficient. In this case, the subject copied the authors’ words and figures verbatim without appropriate attribution.

In submitting the proposal, the subject signed the following certification on page 2 of the NSF Cover and Certification Pages:

I certify to the best of my knowledge that . . . the text and graphics herein as well as any accompanying publications or other documents, unless otherwise indicated, are the original work of the signatories or individuals working under their supervision. . . .

I understand that the willful provision of false information or concealing a material fact in this proposal or any other communication submitted to NSF is a criminal offense (U.S. Code, Title 18, Section 1001).<sup>[54]</sup>

By signing this certification the subject claimed the unattributed work of others as his own. Based on a preponderance of evidence, we concluded that the subject copied text and figures from the work of six others individuals without proper attribution into his NSF proposal. The material appears in the background section of the NSF proposal. The volume and number of sources involved are extensive.

### State of Mind

The subject explained that he ‘missed’ some of his references.<sup>55</sup> He explained that he did provide some references in his proposal but acknowledged that he “should have rephrased some of the cited materials”<sup>56</sup> that he used. Further, he stated that he always provided “references for the technical information obtained from”<sup>57</sup> the internet. His responses clearly show that he understood how to cite appropriately and his previous publications support this position. We

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<sup>52</sup> (45 C.F.R. §689.1(a)(1).)

<sup>53</sup> (45 C.F.R. §689.2(b).)

<sup>54</sup> Cover Pages for NSF proposal (Tab 2), second page.

<sup>55</sup> Tab 4, page 3.

<sup>56</sup> *Id.* page 3.

<sup>57</sup> Tab 7, page 1.

believe the subject acted knowingly when he elected to use these materials without either receiving permission from the original authors or distinguishing the copied material in his NSF proposal or the other agency proposals.

### OIG's Conclusion

By definition, plagiarism is to "steal and use (the ideas or writings of another) as one's own."<sup>58</sup> We conclude that the subject committed plagiarism when he took text and figures from other authors' works and represented them as his own and he did this knowingly. Although he did reference some of the source documents in the text of the proposal, he did so in a way that did not indicate what text or figures he copied. The subject seriously deviated from the accepted practice in the scientific community. A preponderance of the evidence supports the conclusion that the subject committed misconduct in science, specifically verbatim plagiarism.

### OIG's RECOMMENDED DISPOSITION

Under NSF's regulation, when deciding what actions are appropriate when misconduct is found, NSF officials should consider any evidence of a pattern, the seriousness of the misconduct, the intent with which the subject acted, and finally its relevance to other funding requests or awards involving the individual.<sup>59</sup>

### Evidence of a Pattern

The subject copied 5 pages of unattributed text and 4 figures into an NSF proposal. Similarly, he copied portions of the same unattributed text that appeared in his NSF proposal into Proposals A and B. Further, three figures attributed appropriately in the NSF proposal were used in Proposals A and B without appropriate citation. We conclude that this is evidence of a pattern of plagiarism by the subject involving 3 different proposals submitted to 3 different federal agencies over a 3 month period of time.

### Seriousness

Representing the work of another as one's own without giving appropriate recognition to the original author is viewed as a serious act in the scientific community, and the subject committed misconduct in this case. What NSF expects from scientists and engineers who submit proposals is clearly spelled out in the Grant Proposal Guide, specifically stating that

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.<sup>[60]</sup>

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<sup>58</sup> *The American Heritage Dictionary of the English Language*, New College Edition, Houghton Mifflin Company, 1976.

<sup>59</sup> (45 C.F.R. § 689.2(b).)

<sup>60</sup> NSF 98-2, Section A.3 and Section B, p. 1.

Although the scientific community routinely states that copied material should be appropriately cited and distinguished,<sup>61</sup> the subject failed to appropriately cite and distinguish material he copied verbatim from six source documents into his proposal.

### Recommended NSF Actions

Under 45 C.F.R. § 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 institution or the individual.

We conclude the subject plagiarized, that this behavior was a serious deviation from the practice 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.

We recommend that NSF's Deputy Director take the following actions:

- (1) NSF should send a letter of reprimand to the subject stating that it has concluded that he committed a serious deviation from accepted practice and thus misconduct in science by plagiarizing in his NSF proposal.<sup>62</sup>
- (2) NSF should require that for 2 years from the date of the final disposition of this case, when the subject is a principal investigator or co-principal investigator on a proposal submitted to NSF for funding, the subject will certify in writing that he has recently reviewed NSF's Misconduct in Science regulation (45 C.F.R. § 689), and that the grant application is free of any misconduct.<sup>63</sup>

The subject's certification should be sent to the Associate Inspector General for Investigations for retention in OIG's confidential file on this matter.

Our recommended action takes into account the extent of the subject's plagiarism, the level of his experience, and the poor understanding he displayed when he used materials generated by his former research group without appropriately citing it. In relation to other examples of plagiarism, the subject's copying in his NSF proposal is compared to two cases of plagiarism in NSF proposals determined to be misconduct by the Deputy Director.<sup>64</sup> In this case, the degree of copying is in the range between the two examples. In light of the subject's level of experience and his apparent misunderstanding of how to appropriately use materials from his

<sup>61</sup> 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; *Sigma Xi*, The Scientific Research Society, "Honor in Science," 22 (1984); and *National Academy of Sciences, National Academy of Engineering, Institute of Medicine*, "On Being a Scientist, Responsible Conduct in Research," National Academy Press, Washington, D.C., 1995.

<sup>62</sup> This is a Group I action (see 45 C.F.R. § 689.2(a)(1)(i)).

<sup>63</sup> This is a Group II action (see 45 C.F.R. § 689.2(a)(2)(ii)).

<sup>64</sup> Cases M-91010001 and M-92020007 involved plagiarism in a proposal. The extent of copying in the present case is between these two cases. M-91010001 involves about 4 pages of text copied from a NSF award into an NSF proposal, while M-92020007 involved about 68% of the text in the proposal from 4 different proposals. Sanctions included a reprimand and certification for the former case and a reprimand and 1 year debarment for the latter case.

former research group, we believe actions consistent with the past adjudicated misconduct cases that involved 4 pages of copied text is appropriate (see footnote 64). This would be sufficient to protect the federal government's interest in maintaining scholarly integrity in the research it funds.

#### **THE SUBJECT'S RESPONSE TO THE DRAFT INVESTIGATION REPORT**

The subject received a copy of the draft investigation report. He elected not to respond.<sup>65</sup>

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<sup>65</sup> Tab 10.