



NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

## CLOSEOUT MEMORANDUM

Case Number: A-05070044

Page 1 of 1

We received an allegation that an NSF proposal<sup>1</sup> submitted by the PI (the subject) and three co-PIs contained a modest amount of plagiarized text taken from several source documents. An Investigation Committee (the Committee) of the subject's Institution determined that the subject was solely responsible for the plagiarized text in the NSF proposal. It concluded that the subject committed research misconduct. The Institution's adjudicator initially proposed termination of the subject's employment. However, following the subject's appeal, the adjudicator suspended the subject for one year, placing him on administrative leave of absence during that time at half-pay. Further, although the subject was free to continue his research, he was not permitted to teach in the classroom for the year.

OIG concluded that the evidence supports a finding of research misconduct against the subject. We recommended that NSF's Deputy Director send the subject a letter of reprimand informing him that NSF has made a finding of research misconduct against him and require the subject to certify that proposals he submits to NSF do not contain plagiarized, falsified, or fabricated material for 1 year after the issuance of a letter of reprimand by NSF. NSF's adjudicator sent the subject a letter of reprimand and required the subject to certify that proposals he submits to NSF do not contain plagiarized, falsified, or fabricated material for 1 year after the issuance of a letter of reprimand by NSF. The attached report of investigation and the Deputy Director's letter to the subject detail NSF's actions regarding this matter.

This case is closed and no further action will be taken.

<sup>1</sup> NSF proposal [REDACTED], entitled "[REDACTED]" was submitted by the PI, [REDACTED] (the subject) from the [REDACTED] (the Institution), with co-PIs, [REDACTED], all faculty members at [REDACTED].

NATIONAL SCIENCE FOUNDATION  
4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DEPUTY DIRECTOR

NOV 22 2006

**CERTIFIED MAIL –RETURN RECEIPT REQUESTED**



*Re: Notice of Misconduct in Science Determination –* [REDACTED]

Dear Mr. [REDACTED]

On or about December 17, 2003, your client; [REDACTED] submitted a grant proposal to the National Science Foundation (“NSF”) entitled “[REDACTED]” As documented in the attached Investigative Report prepared by NSF's Office of Inspector General (“OIG”), the proposal contained plagiarized text.

Scientific 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).

██████████ proposal contains verbatim and paraphrased text from several source documents. By submitting a proposal to NSF that copies the ideas or words of another without adequate attribution, as described in the OIG Investigative Report, ██████████ misrepresented someone else's work as his own. In addition, ██████████ failed to properly acknowledge or credit the authors of the source documents in his proposal. His conduct unquestionably constitutes plagiarism. I therefore conclude that ██████████ 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 and the University Committee Report, NSF has determined that, based on a preponderance of the evidence, ██████████ 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 ██████████

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).

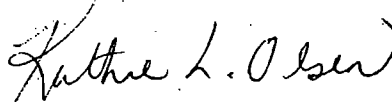
In determining the severity of the sanction to impose for research misconduct, I have considered the seriousness of the misconduct; our determination that it was *knowing*; the determination that it was an isolated event and not part of a pattern; ██████████ willingness to accept responsibility for his actions; and the contrition that he demonstrated during the course of the investigative process. I have also considered other relevant circumstances. 45 CFR § 689.3 (b).

Based on the foregoing, I am requiring that, if ██████████ submits a proposal to NSF from the date of this letter until November 15, 2007, he must provide written certification to the OIG from his employer that his proposal does not contain plagiarized, falsified, or fabricated material. The certification must also assure NSF that the proposal adheres to the rules of proper scholarship and attribution as required by the NSF Proposal Guide. Such certification should be sent to the Office of Inspector General, 4201 Wilson Boulevard, Arlington, Virginia 22230.

Procedures Governing Appeals

Under NSF's regulations, your client has 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 client's 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,



Kathie Olsen  
Deputy Director

Enclosures

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

### Summary

The Office of Inspector General (OIG) concludes that the subject<sup>1</sup> committed plagiarism in an NSF proposal submitted to the National Science Foundation (NSF). An Investigation Committee (the Committee) of the subject's Institution concluded that the subject committed research misconduct. The Institution's adjudicator accepted the Committee's findings and conclusions, but did not accept the Committee's recommended actions. Instead, the adjudicator proposed the subject's termination on August 31, 2006.

OIG concludes that the evidence supports a finding of research misconduct, and recommends that NSF:

- send a letter of reprimand to the subject informing him that NSF has made a finding of research misconduct;
- and
- require the subject to certify that proposals he submits to NSF do not contain plagiarized, falsified, or fabricated material for 1 year after the issuance of a letter of reprimand by NSF.

### OIG's Inquiry

We reviewed the NSF proposal<sup>2</sup> submitted by the PI (the subject) and three co-PIs.<sup>3</sup> We determined that the proposal appeared to contain at least 30 lines of text and 10 references copied from three separate source documents. We wrote to the subject and the three co-PIs on the proposal concerning the seemingly copied material. Our letters to the subject and co-PIs with attachments are included in Tab 1. The individual responses are included in Tab 2.

In the subject's response, he admitted he copied the material. He explained that he "naively"<sup>4</sup> thought that using material from a newspaper (Source Document A, Tab 1, A) instead of a science article was not plagiarism. With respect to Source Documents B and C (Tab 1, B and C), he stated these "were unintentional mistakes."<sup>5</sup> According to the subject, the co-PIs were unaware of the copied materials. The co-PIs' responses (Tab 2) confirmed that they did not write the text that contained the allegedly copied text.

<sup>1</sup> [REDACTED]  
<sup>2</sup> NSF proposal [REDACTED] entitled "[REDACTED]" was submitted by the subject as the PI with co-PIs, [REDACTED], all [REDACTED]

<sup>3</sup> At the inquiry phase, [REDACTED] co-PIs on the proposal as well as the PI were considered to be possible subjects. However, as a result of our inquiry, we determined the focus of the investigation should be on the PI (the subject) as the individual most reasonably responsible for the alleged plagiarism.

<sup>4</sup> August 10, 2005, response, Tab 2, Question 2 response, page 1.

<sup>5</sup> Ibid.

After reviewing the responses from the subject and the co-PIs, we determined that there was sufficient substance to warrant an investigation. We referred the investigation to the subject's Institution (Tab 3).<sup>6</sup>

#### Institution's Investigation

The Committee's Investigation Report (the Report) is attached as Tab 4. During its review, the Committee compared the alleged copied text with the source documents. The Committee also interviewed the subject with his attorney present. The Report contains a list of documents and other relevant evidence it used during the investigation. Based on the evidence, the Committee concluded that in addition to verbatim copied text in the proposal taken from three separate source documents, the subject "substantially paraphrased"<sup>7</sup> text taken from source document A, without appropriate citation.<sup>8</sup>

The Committee found by a preponderance of the evidence that the subject significantly departed from accepted practice at the Institution as well as in the wider research community. It concluded that he acted knowingly and intentionally and, therefore, committed research misconduct.<sup>9</sup> The subject's attorney rebutted some of the Committee's determinations, which the Committee addressed in the final version of its Report.<sup>10</sup>

The Committee recommended the subject: 1) receive a letter of censure; 2) be prohibited from proposal submissions for funding for not more than 1 year; 3) be supervised for not more than 3 years with certification by the Institution's Research Integrity Officer that proposals and/or papers submitted contained no plagiarized materials; and 4) send letters of apology for his plagiarism to NSF and to the Institution's adjudicator.

The Institution's adjudicator endorsed the findings and the conclusion in the Committee's Report, but rejected the recommendations presented by the Committee. In lieu of the Committee's recommendations, the adjudicator chose to implement a more stringent action when he proposed to terminate the subject's employment at the Institution (Tab 4).

#### OIG's Assessment

NSF's Research Misconduct Regulation states that a finding of misconduct requires:

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<sup>6</sup> Our referral letter was directed to [REDACTED]

<sup>7</sup> The Report, Tab 4, page 6.

<sup>8</sup> The focus on the paraphrased text occurred primarily in the Committee's interview of the subject. Specifically, one Committee member discusses material apparently taken from source document A and used in the proposal. He states "When I look at the section, the introductory section, that makes reference to the [REDACTED] [source document A], I'm overwhelmed I guess by how much of that article is there. There were I think eight entries that NSF had underlined. But I found more that weren't underlined." Tab 4, Report, Appendix F, page 23. Subsequently, the same committee member states "But it really reads as though there is a lot more than just a few sentences that were there from the article." Tab 4, Report, Appendix F, page 23.

<sup>9</sup> See Report, Tab 4, pages 7-8.

<sup>10</sup> See Report, Tab 4, footnotes 1 (pages 7-8), 2 (page 9), and 3 (page 9).

(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 the evidence.<sup>[11]</sup>

We accept the Institution's Report as accurate and complete. The Institution followed reasonable procedures. We, therefore, accept the Report in lieu of our own investigation.

#### The Act

The Committee concluded the preponderance of the evidence showed that the subject did, in fact, inappropriately copy text from multiple sources into his NSF proposal. We concur with the Committee's assessment. Our inquiry estimated the amount of copied text at approximately 30 lines of text and 10 references. Further, the Committee identified additional very closely paraphrased text taken from source document A in the subject's proposal without any citation.<sup>12</sup>

#### Intent

The Institution concluded that the subject knowingly and intentionally copied text into his NSF proposal. We agree with the Committee assessment. The subject, in his rebuttal, claimed that his actions were reckless. However, the Committee, in its finalized Report emphatically described why it concluded the subject acted knowingly and intentionally.<sup>13</sup>

#### Standard of Proof

A finding of research misconduct requires proof by a preponderance of evidence. We concur with the Committee's conclusion that the preponderance of the evidence showed that the subject committed plagiarism. We believe the preponderance of the evidence indicates that the subject copied text into his proposal without appropriately distinguishing this text from his own work. In addition, the preponderance of the evidence indicates that the subject copied references into his proposal exactly as they were presented in the source documents with the text he copied, suggesting that he used these references to develop the text, which he did not. This is supported by the fact that none of these references was used in any other section of the subject's proposal. In copying both text and references, the subject significantly departed from the accepted practice of the scientific community. Since the preponderance of evidence supports the conclusion that the subject acted knowingly when he copied these materials, we conclude the subject committed plagiarism and therefore committed Research Misconduct.

#### Subject's Response to OIG's Draft Investigation Report

We sent a copy of the draft Investigation Report to the subject's attorney for comment. The attorney's response is at Tab 5. As a result of his response, we have made it clear in this report that the Institution has only proposed termination, but that this matter is still pending an administrative hearing at the Institution.

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<sup>11</sup> 45 CFR § 689.2(c).

<sup>12</sup> See footnote 8.

<sup>13</sup> See Report, Tab 4, footnote 1 (pages 7-8).

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; whether it was an isolated event or part of a pattern; its impact on the research record; and other relevant circumstances.<sup>14</sup>

Seriousness

As noted above, the preponderance of evidence supports the conclusion that the subject acted knowingly when he copied verbatim materials into his proposal, a significant departure from the accepted practice in the research community. Plagiarism strikes at the heart of research integrity and is an unacceptable practice within the research community. Although the amount of plagiarized text was modest, it was substantive. Further, the embedded references that were copied along with some of the plagiarized text, enhances the seriousness. Therefore, the level of misconduct is serious.

Mitigating Factors

The subject admitted from the outset of our inquiry that he had copied these materials. He cooperated fully with OIG's inquiry and the Institution's investigation and appeared to provide honest answers to questions posed to him throughout the process.

Impact on the research record

There is no impact on the research record as a result of the plagiarism in the proposal submitted to NSF.

Recommendation

Based on the evidence, OIG recommends that NSF:

- send a letter of reprimand to the subject informing him that NSF has made a finding of research misconduct;

and

- require the subject to certify to NSF's OIG that proposals he submits to NSF for 1 year from the date of NSF's letter of reprimand do not contain plagiarized, falsified, or fabricated material.

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<sup>14</sup> 45 CFR § 689.3(b).