We received an allegation that the subject copied text from others' work without properly attributing the text and distinguishing it from his own original material in 2 grant proposals submitted to NSF. We asked the subject for an explanation, but we were not persuaded that the subject adequately explained his actions. We referred the investigation of this matter to the subject's university. The university found additional instances of copying by the subject (significant amounts in 4 NSF proposals as well as small amounts in several proposals to other entities), and concluded that the subject committed plagiarism.

We agreed with the university that the subject committed plagiarism and recommended that NSF make a finding that he committed research misconduct. NSF agreed and took additional actions that we recommended, requiring the subject to: (1) certify for 3 years that any proposals or reports he submits to NSF do not contain plagiarized, falsified, or fabricated material; (2) submit assurances from a university official for 3 years that any proposals or reports he submits to NSF do not contain plagiarized, falsified, or fabricated material; and (3) complete an ethics course on plagiarism.

Accordingly, this case is closed. This memorandum, the Deputy Director's adjudication, and our Report of Investigation constitute the closeout for this case.
Re: Notice of Research Misconduct Determination

Dear Dr.,

In 2003-04, you served as the principal investigator on four proposals submitted to the National Science Foundation ("NSF"). These proposals were entitled, "

As documented in the attached Investigative Report prepared by NSF's Office of Inspector General ("OIG"), these proposals contained plagiarized text.

Research Misconduct and Actions Taken

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).

In your proposal, you copied text from multiple sources without providing proper attribution for such material. By submitting proposals to NSF that copy the ideas or words of another without adequate attribution, as described in the OIG Investigative Report, you misrepresented someone
else's work as your own. Your conduct unquestionably constitutes plagiarism. I therefore conclude that your actions meet the definition of "research misconduct" set forth in NSF's regulations.

Pursuant to NSF regulations, the Foundation must also determine whether to make a finding of misconduct based on a preponderance of the evidence. 45 CFR § 689.2(c). After reviewing the Investigative Report and the University's report, NSF has determined that, based on a preponderance of the evidence, your misconduct was knowing and constituted a significant departure from accepted practices of the relevant research community. I am, therefore, issuing a finding of research misconduct against you.

NSF's regulations establish three categories of actions (Group I, II, and III) that can be taken in response to a finding of misconduct. 45 CFR § 689.3(a). Group I actions include issuing a letter of reprimand; conditioning awards on prior approval of particular activities from NSF; requiring that an institution or individual obtain special prior approval of particular activities from NSF; and requiring that an institutional representative certify as to the accuracy of reports or certifications of compliance with particular requirements. 45 CFR §689.3(a)(1). Group II actions include award suspension or restrictions on designated activities or expenditures; requiring special reviews of requests for funding; and requiring correction to the research record. 45 CFR §689.3(a)(2). Group III actions include suspension or termination of awards; prohibitions on participation as NSF reviewers, advisors or consultants; and debarment or suspension from participation in NSF programs. 45 CFR § 689.3(a)(3).

In determining the severity of the sanction to impose for research misconduct, I have considered the seriousness of the misconduct; our determination that it was committed knowingly; the determination that it was part of a pattern; your willingness to accept responsibility for your actions; and the fact that your conduct did not have an impact on the published research record. I have also considered other relevant circumstances. 45 CFR § 689.3(b).

I find your plagiarism to be serious because the amount of text that you copied was substantial. Moreover, in light of the fact that you submitted to NSF four separate proposals containing plagiarized text, we believe that your plagiarism is part of a pattern of misconduct, as opposed to an isolated incident. However, your conduct did not have a significant impact on the research record and you cooperated fully with the investigation.

I, therefore, take the following actions:

- From the date of this letter through December 15, 2010, you are required to certify that proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material. Such certifications should be sent to the OIG, 4201 Wilson Boulevard, Arlington, VA 22230.

- From the date of this letter through December 15, 2010, you are required to submit assurances by a responsible official of your employer that any proposals or reports you
submit to NSF do not contain plagiarized, falsified, or fabricated material. Such assurances should be sent to the OIG.

- You are required to complete an ethics training course on plagiarism by December 15, 2008. You must certify in writing to the OIG that such training has been completed.

Procedures Governing Appeals

Under NSF’s regulations, you have 30 days after receipt of this letter to submit an appeal of this decision, in writing, to the Director of the Foundation. 45 CFR § 689.10(a). Any appeal should be addressed to the Director at the National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. If we do not receive your appeal within the 30-day period, this decision will become final. For your information we are attaching a copy of the applicable regulations. If you have any questions about the foregoing, please contact Eric S. Gold, Assistant General Counsel, at (703) 292-8060.

Sincerely,

[Signature]

Kathie L. Olsen
Deputy Director

Enclosures
- Investigative Report
- 45 C.F.R. Part 689
Executive Summary

Allegation: Plagiarism: two NSF proposals contain material copied from several sources available on the internet.

OIG Inquiry: Two proposals submitted to NSF by the subject contained unattributed text copied from three sources.

University Investigation: The university concluded that a preponderance of the evidence proved the subject copied text from several sources into four proposals submitted to NSF, as well as numerous proposals submitted to other funding sources, without providing appropriate attribution. The university concluded that the subject committed plagiarism in the proposals submitted to NSF.

OIG Assessment: We concur with the university that the following conclusions were proven by a preponderance of the evidence:

Plagiarism: The subject copied verbatim text and one figure from several sources into four NSF proposals, without providing appropriate attribution, which constitutes plagiarism under NSF's definition.

Significant Departure: The total amount of material that the subject plagiarized was approximately 163 lines of text and two copies of a figure, which constitutes a significant departure from accepted practices.

State of Mind: The subject committed plagiarism knowingly.

Seriousness: On the range of possible acts of research misconduct, this case is significant but not extremely egregious.

Pattern: The subject engaged in an extensive pattern of plagiarism involving four NSF proposals and numerous other proposals.

OIG Recommends: Make a finding of research misconduct, require certifications and assurances for 3 years, and require completion of an ethics course.
I. OIG’s Inquiry

We conducted an inquiry into an allegation that the subject copied text from others’ work without properly attributing the text and distinguishing it from his own original material in two grant proposals submitted to NSF, proposals 1 (Tab 1) and 2 (Tab 2). We found approximately 55 lines of text in proposal 1 and 53 lines in proposal 2 that were identical to text in three apparent source documents. The sections range in length from partial sentences to nearly complete paragraphs.

In response to our inquiry letter (Tab 10), the subject admitted that he copied the text but attributed his actions to misconceptions regarding certain types of sources found on the internet (Tab 11). We were not persuaded that the subject adequately explained his actions and concluded that there was sufficient evidence to proceed with an investigation, and we referred the investigation of this matter to the university (Tab 12).

II. The University’s Investigation

A. Investigation Committee Report

The university appointed a committee, which conducted a thorough investigation and prepared a report (Tab 13).

The committee interviewed the subject to discuss the copied material we identified in his proposals as having appeared earlier in other sources. Consistent with statements he made in response to our inquiry letter, the subject reiterated his arguments regarding copying from different types of sources. The subject explained his view that material that he found on the internet, or that he considered to be common knowledge, or that did not

---

1 The subject is

2

3

---

4 The apparent source documents are attached at Tab 3 through Tab 9. Sources A and AA are identical, as are sources B and BB and sources D and CC. Duplicative copies were included to clarify the slight differences in material copied into each proposal from each source. Because the subject has acknowledged copying the material from these (or equivalent) sources, there is no need to analyze the slight differences in the material copied from each. (See Tab 13 pages 6-7 for the university’s resolution of the subject’s cavils regarding the precise sources for certain plagiarized passages.)
in his view contain technical content, did not warrant distinction and citation. He also perceived plagiarism to embrace only the misappropriation of someone else's ideas, as opposed to words that he viewed as conveying no significant ideas.

The committee then conducted internet searches and identified additional material that the subject apparently copied from other sources into one of the NSF proposals we referred to the university, as well as NSF proposals 3 and 4, four NIH proposals, three intramural proposals, and a private foundation proposal. (The additional NSF proposals are attached at Tab 14 and Tab 15, and the alleged sources are attached at Tab 16, Tab 17, and Tab 18—the other proposals and sources (Exh. 25 through Exh. 37) are not attached but are available from OIG upon request by the Office of the Director.) The committee interviewed the subject a second time and determined that the subject was arguably a joint author on one of the newly-identified passages, but the others constituted additional instances of plagiarism.

The total approximate amounts of apparently-copied text in the NSF proposals identified by the committee were:

<table>
<thead>
<tr>
<th>Proposal Number</th>
<th>Lines of Copied Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>69</td>
</tr>
<tr>
<td>2</td>
<td>53</td>
</tr>
<tr>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>Total</td>
<td>143</td>
</tr>
</tbody>
</table>

---

5 Proposal 1, Tab 1, page 4.
6 See Exh. 25, Exh. 26, Exh. 27, Exh. 28.
7 Source "ICB"; see footnote 36.
8 Tab 14, page 4.
9 See Exh. 29, Exh. 30, & Exh. 31.
10 See Exh. 32.
11 Tab 13, page 11.
12 The committee marked the duplicative text but did not quantify it; we performed the quantification.
The committee arrived at the following conclusions, supported by a preponderance of the evidence:

1. The subject committed "multiple instances of copying of short strings of words, complete sentences, and nearly complete paragraphs either without alteration or with minimal alteration (of either text of English construct or text which is considered technical in a scientific sense)."\textsuperscript{14} The committee expressed the view that the type of source of the copied text was irrelevant.

2. The subject's copying constituted plagiarism: "Given that [the subject] copied material from sources other than his own (without appropriate delineation and attribution of the copied text) into several grant applications to the NSF . . . , and to other agencies, we find that [he] committed plagiarism."\textsuperscript{15}

3. The subject's plagiarism constituted a significant departure: "All three members [of the committee] agree that the copying of materials that has occurred here is a significant departure from accepted research practice within those disciplines and amounts to plagiarism given accepted definitions of plagiarism and standards of the scientific community."\textsuperscript{16}

4. The committee concluded that "there can be no doubt that this copying (and thus plagiarism) was done knowingly."\textsuperscript{17}

5. The committee observed that the subject's numerous acts of plagiarism created a variety of patterns: "There were instances of copying a single piece of text from a single source document into more than one document. . . . There were also instances of copying of multiple pieces of text from a single source document into a single document. . . . There were instances of copying of text from multiple sources into a single document. . . . Thus, the [committee] recognizes that, in several ways,

\textsuperscript{14} Tab 13, page 13.
\textsuperscript{15} Tab 13, page 13.
\textsuperscript{16} Tab 13, page 14.
\textsuperscript{17} Tab 13, page 14. After concluding that the subject acted knowingly, the committee went on to assess whether his acts could also be considered to have been committed recklessly. In light of the subject's view that certain types of sources did not need to be attributed, the committee "conclude[d] that there are instances where the copying of text was not reckless and other instances where the copying of text might be considered reckless." Because the committee's conclusion that the subject acted knowingly is supported by a preponderance of the evidence, there is no need to evaluate the committee's discussion regarding recklessness.
[the subject] copied text in a manner that should be considered a pattern and not an isolated event.\textsuperscript{18}

6. Because all of the plagiarism occurred in the subject's proposals, which were not funded or otherwise publicly disseminated, the committee concluded that the subject's actions did not have an effect on the research record.

7. Because the committee "conclude[d], by a preponderance of the evidence, that the plagiarism constituted a significant departure from accepted practices of the relevant research community; and that the plagiarism was committed intentionally and knowingly," it concluded that the subject committed research misconduct.\textsuperscript{19}

8. In a "Final Comment," the committee observed "that the acts of plagiarism identified by the NSF, and those additional acts uncovered by the [committee], do not rise to a level commensurate with the blatant misappropriation of research data, innovative ideas, or intellectual achievements. Similarly, the [committee] recognizes that the research misconduct identified by this Investigation is not as egregious as that occurring by fabrication, falsification, or selected omission of research data, or the deliberate sabotage of experiments or experimental findings."

B. The Subject's Response to the Investigation Report

The subject provided a lengthy response to the committee's investigation report (Tab 19). The subject continued to argue that distinction should be made among various types of sources and types of content.\textsuperscript{20} We agree with the committee that the scholarly community does not make these distinctions and we too find these arguments to be without merit.

The subject also argued that the committee's conclusion that he plagiarized knowingly is contradicted by his assertions regarding the standards for attributing certain

\textsuperscript{18} Tab 13, page 15.
\textsuperscript{19} Tab 13, page 16.
\textsuperscript{20} In his response to the draft of this report, Tab 24, the subject asserts that the "arguments made in my Response to the Investigation Committee final Report . . . were mainly to clarify what has contributed to my wrong perception of plagiarism, and not to continue to argue about the standards of the scholarly community." While we appreciate the subject's apparent current view that his previous "perception of plagiarism" was "wrong," we do not believe the arguments he made in his response to the university's report are amenable to the \textit{post hoc} interpretation he now urges.
materials, in that his ignorance of scholarly standards precluded his having knowingly violated them. The state of mind standards are applied to the acts that constitute the offense of plagiarism, and in this case a preponderance of the evidence proved that on several occasions the subject knowingly copied-and-pasted text from various source documents into his proposals. His assertions that he believed (or believes) that such copying is not objectionable does not undermine the conclusion that he knew he was doing it.\textsuperscript{21,22}

However, while arguing that he should not be blamed for his conduct, the subject did acknowledge that his "current understanding agrees with the [committee]'s position that no text copying of any form is allowed without proper delineation and distinction from one's own writing,"\textsuperscript{23} which "has fundamentally changed in many ways the way I prepare my grants at present and in the future."\textsuperscript{24}

\section*{C. The University's Final Decision}

The subject appealed the committee's findings of research misconduct to the President of the university (Tab 20). After considering the subject's arguments, the President concurred with the committee's findings and denied the appeal (Tab 21). The President stated that although the subject's misconceptions and lack of understanding of plagiarism may be relevant to the nature and severity of sanctions resulting from his research misconduct, they do not suffice to prevent his plagiarism from being considered research misconduct.

\textsuperscript{21} In his Response (Tab 19, pages 5-6), the subject also discussed the committee's conclusion that at least some of his conduct was committed recklessly as well as knowingly—as we explained in note 17, this discussion by the committee is irrelevant because knowledge is a sufficient state of mind to establish culpability.

\textsuperscript{22} The subject complained that the committee did not explicitly mention the fact that none of the plagiarized text occurred in the proposed research sections of the proposals at issue, and the plagiarism constituted explanatory or descriptive text, not underlying scientific ideas. To the contrary, the committee made this precise point in its "Final Comment," discussed above on page 5. While this fact is not exculpatory, it does contribute to the assessment of the relative seriousness of the research misconduct in the determination of the appropriate action to be taken, below on page 9.

\textsuperscript{23} Tab 19, page 24.

\textsuperscript{24} Tab 19, page 15.
III. OIG's Assessment

We assessed the university's report and found it to be accurate and complete. The report describes a fair and thorough investigation, conducted pursuant to reasonable procedures, and we recommend adoption of its findings in whole.\(^{25}\) In the course of our review of the materials provided by the university and the subject, we found a figure with a paragraph of descriptive text in proposals 1 and 3, from a previously unidentified source document\(^{26}\) (relevant portions of the proposals at Tab 22; source document at Tab 23). The subject included a nearby reference to the source document, but in a manner that did not indicate the material had been copied verbatim.\(^{27}\)

A. The Act and NSF's Definition of Plagiarism

NSF's definition of “research misconduct” includes “plagiarism in proposing . . . research funded by NSF,”\(^{28}\) and “Plagiarism means the appropriation of another person’s ideas, processes, results or words without giving appropriate credit.”\(^{29}\) The subject submitted to NSF the proposals attached at Tab 1, Tab 2, Tab 14, and Tab 15: the highlighting on those proposals, and the additional highlighted material from two of those proposals attached at Tab 22, shows the text and figure that the subject copied from others without giving appropriate credit. The subject's actions meet the definition of plagiarism under NSF's definition.

B. A Finding of Research Misconduct

Under NSF's regulation, after a subject's conduct has been determined to meet the definition of research misconduct, a “finding of research misconduct requires that—

\(^{25}\) 45 C.F.R. § 689.9(a).

\(^{26}\) The additional text increases the amount of copied text in proposal 3 from 53 to 63 lines, and the additional text increases the amount of copied text in proposal 1 from 10 to 20 lines.

\(^{27}\) In proposal 3, submitted on 6 March 2003, at the end of the quoted text, the subject added “(Adapted from [the source document]),” which is not sufficient to inform the reader that the text and figure were copied verbatim. In proposal 1, submitted 23 July 2003, the subject omitted this statement. In his response to the draft of this report, Tab 24, the subject stated that he “omitted the attribution from the figure caption in Proposal 1 because [at the time he] perceived that the statements within the text in both proposals are sufficient,” but that he “now fully agree[s] with OIG that those ways of attribution are not sufficient . . . .”

\(^{28}\) 45 C.F.R. § 689.1(a).

\(^{29}\) 45 C.F.R. § 689.1(a) (3).
community; and (2) The research misconduct be committed intentionally, or knowingly, or recklessly; and (3) The allegation be proven by a preponderance of evidence.\footnote{45 C.F.R. § 689.2(c).}

1. **Significant Departure from Accepted Practices**

The university investigation committee concluded that the plagiarism committed by the subject in his NSF proposals constituted a significant departure from accepted practices. Altogether, the subject submitted four proposals to NSF containing approximately 163 lines of plagiarized text and two plagiarized figures. The subject copied a significant amount of identical material into more than one proposal: if material that the subject copied into more than one proposal is counted only once, the total is approximately 97 lines of text and one figure.

The total amounts of plagiarism committed by the subject in his NSF proposals, including the additional text and figure we identified after the university’s investigation, are shown in the following table. The proposals are listed in the order they were submitted to NSF, and also shown are the amounts of plagiarism in subsequent proposals that were new plagiarism, in that it was material the subject had not plagiarized previously:

<table>
<thead>
<tr>
<th>Proposal Number</th>
<th>Date Submitted</th>
<th>Total Lines of Copied Text</th>
<th>Newly-Copied Text</th>
<th>Copied Figure</th>
<th>Newly-Copied Figure</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>3/6/03</td>
<td>20</td>
<td>20</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1</td>
<td>7/23/03</td>
<td>79</td>
<td>62</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>10/15/03</td>
<td>11</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>7/21/04</td>
<td>53</td>
<td>14</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>163</td>
<td>97</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

Whether the subject's plagiarism in his four NSF proposals is viewed as 163 lines of text and two figures copied once, or 97 lines and one figure copied multiple times, we agree with the university’s conclusion that the subject’s plagiarism constituted a significant departure from accepted practices.

2. **State of Mind**

The university concluded that the subject acted knowingly, which conclusion is also well supported by the evidence. Copying text and a figure from source documents
and pasting it into your own is intrinsically “knowing” conduct. We concur with the university that the subject’s copying was a knowing act.

3. Standard of Proof

We also concur with the university that all of its conclusions were proven by a preponderance of the evidence.

4. Conclusion

Accordingly, all three regulatory criteria having been met, the evidence supports a finding that the subject committed research misconduct.

C. Recommended Disposition

1. Assessment of Considerations Identified in NSF’s Research Misconduct Regulation

The possible final actions to be taken upon a finding of research misconduct “range from minimal restrictions (Group I) to the most severe and restrictive (Group III).”31 “In deciding what final actions are appropriate when misconduct is found, NSF officials should consider: (1) How serious the misconduct was; (2) The degree to which the misconduct was knowing, intentional, or reckless; (3) Whether it was an isolated event or part of a pattern; (4) Whether it had a significant impact on the research record, research subjects, other researchers, institutions or the public welfare; and (5) Other relevant circumstances.”32

a. Seriousness

The assessment of seriousness at this stage is distinct from the earlier determination of whether the subject’s plagiarism was serious enough to constitute a significant departure from accepted practices. At this stage, the conclusion has already been drawn that the subject committed research misconduct, and the question is how serious the subject’s misconduct was, compared to the range of possible acts of research misconduct. The university investigation committee concluded that the plagiarism in this case was not as serious as some other types of plagiarism (“blatant misappropriation of research data, innovative ideas, or intellectual achievements”), nor was it “as egregious as that occurring by fabrication, falsification, or selected omission of research data, or the

31 45 C.F.R. § 689.3(a).
32 45 C.F.R. § 689.3(b).
deliberate sabotage of experiments or experimental findings." While we agree that even more serious cases of misconduct are possible, we believe the subject's acts of research misconduct in this case are significant but not extremely egregious.

b. Degree of Intent

Although the subject acted knowingly, he says that he did so based on a misunderstanding of accepted practices for attributing certain types of sources, and he argues that this ostensible misunderstanding is exculpatory. Even if it were true that he rose through years of scholarly study and research oblivious to scientific mores—which we find to be inconceivable—we join the university in disagreeing that such ignorance would excuse him of responsibility for his conduct.

There is no question that the subject knowingly copied extensive passages of the words of others into proposals so he could submit them to be judged for possible funding as his own written work. He did not just copy a block of text from one document into one of his own. He selected multiple source documents to provide material he wanted for particular sections of his proposals. It appears he perused the sources carefully, selecting segments of varying length to fill in various chasms and interstices in his own prose. He included or omitted passages in different proposals, presumably as he perceived them to be helpful. The first time he copied a detailed figure and its explanatory text, he inserted an oblique nod to the original author—but when he revised that proposal for resubmission a few months later, he dispensed with even that token acknowledgement of the bona fide author's toil. The degree of the subject's knowledge of his conduct is nonpareil.

c. Pattern and Significant Impact

The university found that the subject's acts of plagiarism in his NSF proposals as well as numerous other proposals established a pattern or practice. We agree with this conclusion.33

The subject committed plagiarism only in unfunded proposals, and as a result relatively few people read and were deceived by his misappropriated text. Accordingly, the subject's numerous acts of plagiarism resulted in no significant impact on the research record or community.

33 The amounts of plagiarism in the non-NSF proposals varies but is significant in none of them; in fact, the amount in two of the NSF proposals is small. Those acts of plagiarism are nevertheless relevant to consideration of pattern or practice.
d. Other Circumstances

A final relevant circumstance is that the subject says that he—now—knows that his conduct was inappropriate and he will not repeat it. We accept this as a modest mitigating factor.

2. OIG's Recommended Disposition

Considering all of the evidence, and the factors set out above, we recommend that NSF:

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

- require the subject to certify to OIG that each proposal and report he submits to NSF does not contain plagiarized, falsified, or fabricated material for 3 years after the date of the finding of research misconduct;

- require the subject to submit to OIG assurances by a responsible official of his employer that each proposal and report he submits to NSF does not contain plagiarized, falsified, or fabricated material for 4 years after the date of the finding of research misconduct; and

- require the subject to submit proof to OIG of completion of a research ethics course within one year of the finding of research misconduct.34

IV. The Subject's Response to the Draft OIG Report

We sent a draft of this report to the subject and provided him with an opportunity to comment. His response is attached at Tab 24, and his comments/suggestions are addressed in the text on page 2 and in footnotes 4, 20, and 27.

---

34 A letter of reprimand is one of the listed Group I actions, 45 C.F.R. § 689.3(a)(1)(i), and the certification and course requirements are analogous to the listed Group 1 actions.