



NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

## CLOSEOUT MEMORANDUM

Case Number: A06090042

Page 1 of 1

NSF OIG received an allegation against a Subject<sup>1</sup> alleging plagiarism of ideas and words from an unfunded postdoctoral fellowship grant proposal into a funded NSF proposal.<sup>2</sup> The University<sup>3</sup> conducted an inquiry into the allegations and concluded there was sufficient evidence to warrant an investigation. The Investigation Committee concluded, based on a preponderance of evidence, that the Subject's actions were a significant departure from accepted practices. The Subject resigned from the University and the Investigation Committee recommended no further action be taken at the institutional level. The University President concurred with the recommendation.

OIG concurred with the University assessment and recommended NSF make a finding of research misconduct. The Deputy Director made a finding of research misconduct and required that the Subject complete an ethics course.

This memo, the attached Report of Investigation, and the Deputy Director's letter constitute the case closeout. Accordingly, this case is closed.

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NATIONAL SCIENCE FOUNDATION  
4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DEPUTY DIRECTOR

AUG 26 2008

**CERTIFIED MAIL --RETURN RECEIPT REQUESTED**

[REDACTED]

***Re: Notice of Research Misconduct Determination***

Dear Dr. [REDACTED]

In 2006, you served as the principal investigator on a proposal submitted to the National Science Foundation ("NSF") entitled, [REDACTED]. As documented in the attached Investigative Report prepared by NSF's Office of Inspector General ("OIG"), this proposal 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 a proposal previously prepared by one of your graduate students without providing proper attribution for such material. By submitting a proposal to NSF that copied the 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 reckless 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 recklessly; the determination that it was an isolated incident; and the significant mitigating factors present, including your contribution to the intellectual merit of the proposal in question, as well as the history of collaboration between you and the graduate student. I have also considered other relevant circumstances. 45 CFR § 689.3 (b).

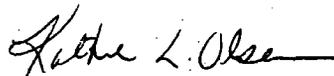
I, therefore, am requiring you to complete an ethics training course on plagiarism by June 1, 2009. You must certify in writing to the OIG that such training has been completed.

#### *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 [REDACTED] Assistant General Counsel, at (703) 292-8060.

Sincerely,

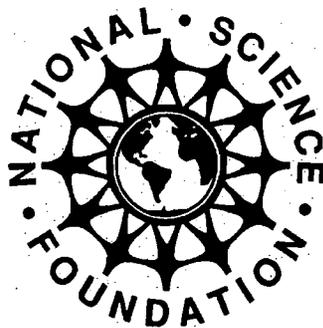


Kathie L. Olsen  
Deputy Director

Enclosures

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

# National Science Foundation Office of Inspector General



## Confidential Investigation Report Case Number A06090042

March 31, 2008

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**Executive Summary**

**Allegation:** Plagiarism of ideas and words from an unfunded postdoctoral fellowship grant proposal into a funded NSF proposal.

**University Inquiry:** University conducted an inquiry into the allegations and concluded there was sufficient evidence to warrant an investigation.

**University Investigation and Action:** Investigation Committee concluded, based on a preponderance of evidence, that the Subject recklessly plagiarized words, actions deemed a significant departure from accepted practices.

Investigation Committee concluded that there was insufficient evidence to substantiate the allegation of plagiarism of ideas.

Subject resigned from the University effective June 30, 2007. Investigation Committee recommended no further action be taken at the institutional level. University President concurred with the recommendation.

**OIG**

**Assessment:** OIG concurs with University assessment.

- **The Act:** Subject plagiarized words in one proposal.
- **Intent:** Subject acted recklessly.
- **Standard of Proof:** A preponderance of evidence supports the conclusion that the Subject plagiarized words.
- **Significant Departure:** Subject's plagiarism represents a significant departure from accepted practices.
- **Pattern:** None.

**OIG Recommends:**

- Make a finding of research misconduct against the Subject.
- Send the Subject a letter of reprimand.
- Require certifications from the Subject for a period of 2 years.
- Require assurances from the Subject for a period of 2 years.
- Require certification of attending an ethics class.

**University's Inquiry**

A University<sup>1</sup> faculty member<sup>2</sup> (Mentor) was "accused of plagiarizing the work of one of his former graduate students"<sup>3</sup> in a funded NSF proposal.<sup>4</sup> Specifically, the Mentor allegedly took a postdoctoral fellowship grant (Fellowship) that his former graduate student (Graduate Student) wrote, copied the text, made few and only minimal changes to the text, and submitted the proposal to NSF as sole PI. The Graduate Student was not acknowledged in the proposal and was unaware of its submission. She learned of the submission via an e-mail from the Mentor, in which the Mentor stated, "After some rewriting, I submitted to NSF the [Fellowship]<sup>5</sup> proposal that you wrote to work in [the Fellowship sponsor]'s<sup>6</sup> lab."<sup>7</sup> The Graduate Student forwarded the e-mail to a University faculty member who examined the proposals and notified the Department Head that they "appear to me to be identical in content and appear to be at least 90% identical in wording."<sup>8</sup> University administration was informed of the allegation and conducted an inquiry.<sup>9</sup>

Per the University policy,<sup>10</sup> the Mentor was notified of the allegation. The Mentor responded that the allegations were "factually erroneous,"<sup>11</sup> explaining:

1. I was a co-author of, and significant contributor to, the original [Fellowship] proposal;
2. [The Graduate Student] agreed, in both word and deed, that the [Fellowship] proposal would be resubmitted to the National Science Foundation (NSF) as a grant proposal with myself as Principal Investigator; and
3. [The Graduate Student] has, in word and deed, chosen to pursue research interests different than those described in the [Fellowship] and NSF proposals.<sup>12</sup>

Specifically, the Mentor argued that he co-authored the proposal in his role "as the senior scientist in the laboratory and as [the Graduate Student]'s dissertation research advisor,"<sup>13</sup> the Graduate Student

<sup>1</sup> [REDACTED]

<sup>2</sup> [REDACTED]

<sup>3</sup> Tab 1, pg 1. The Graduate Student is [REDACTED] currently [REDACTED] [REDACTED] worked in [REDACTED] laboratory for eight years and [REDACTED] served as [REDACTED] Ph.D. advisor.

<sup>4</sup> Tab 2. [REDACTED] Total amount awarded: [REDACTED]

<sup>5</sup> Tab 3. [REDACTED]

[REDACTED] Tab 3 also contains an accompanying letter of reference from the Mentor. The proposal was not funded, but the content was incorporated into the Graduate Student's dissertation chapter, entitled "Conclusions and Future Directions" (Tab 4).

<sup>6</sup> [REDACTED]

<sup>7</sup> Tab 5.

<sup>8</sup> Tab 6.

<sup>9</sup> Tab 7.

<sup>10</sup> Tab 8, [REDACTED]

<sup>11</sup> Tab 9, pg 1.

<sup>12</sup> Tab 9, pg 1.

<sup>13</sup> Tab 9, pg 2.

had informed him that “she planned to pursue a different, and unrelated, area of research” at a different institution;<sup>14,15</sup> he and the Graduate Student had “entered into an oral agreement that the application would be submitted to NSF with myself as Principal Investigator;”<sup>16</sup> the Graduate Student had willingly “given me the entire [Fellowship] proposal, word for word, on disk;”<sup>17</sup> the other University faculty member to whom the Graduate Student forwarded the Mentor’s e-mail had seen a draft of the NSF proposal yet seemed surprised that the two were nearly identical;<sup>18</sup> and “There is no formal mechanism in a grant proposal for citing a previously unfunded proposal, unless it is being submitted to the same agency, which was not the case.”<sup>19</sup>

The Vice President for Research<sup>20</sup> assessed the allegation<sup>21</sup> and decided to proceed with an inquiry.<sup>22</sup> An Inquiry Committee (Committee 1) was convened and computer files were sequestered.

Committee 1 produced a thorough and detailed “Report on Scientific Misconduct Allegation” (Inquiry Report) containing considerable documentary evidence.<sup>23</sup> Committee 1 found that:

- The proposals “are nearly identical” . . . “with the exception of a page of introductory material which may have originated with [the Mentor].”
- Computer files indicated that the Graduate Student “developed a significant component of the work outlined in the [Fellowship] proposal, and much of this work stemmed from work [she] did as part of her Ph.D. research in [the Mentor]’s lab.”
- While the Mentor saw and edited Fellowship proposal drafts, “The committee was not able to find documented evidence of collaboration that indicated the level of authorship claimed by [the Mentor].”
- The Mentor and the Graduate Student disagreed about the existence of an oral agreement regarding reuse of the proposal.
- The Mentor and the other University faculty member disagreed regarding the extent to which the other faculty member was informed about the NSF proposal before submission. Although the faculty member did write a letter of support for the NSF proposal, he claimed to not know its content.
- Evidence suggested that the Graduate Student did intend to continue this line of research.
- The NSF proposal contains information regarding topic areas with which the Mentor has not previously worked, but with which the Graduate Student was familiar.

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<sup>14</sup> [REDACTED]

<sup>15</sup> Tab 9, pg 4.

<sup>16</sup> Tab 9, pg 6.

<sup>17</sup> Tab 9, pg 6.

<sup>18</sup> Tab 9, pg 8.

<sup>19</sup> Tab 9, pg 9.

<sup>20</sup> [REDACTED]

<sup>21</sup> Tab 10.

<sup>22</sup> Tab 11, pg 1.

<sup>23</sup> Tab 11. A list of attachments appears on pgs 9-11. Due to the copious nature of these documents, they are excluded from the present report, but are available for review in OIG as part of the larger file.

- “Standard practices in the [REDACTED] sciences appear to range widely regarding the continued development of research conducted by students in a research laboratory.”
- The Mentor argued “that the ideas in the [Fellowship] proposal were a logical progression of the work being done under his direction.”<sup>24</sup>

Committee 1 recommended the matter be referred to investigation.<sup>25</sup>

The Mentor responded to the Inquiry Report,<sup>26</sup> providing “a ‘markup’ version of the report that corrects what we<sup>27</sup> believe were inadvertent omissions and/or clarifications of the factual record.”<sup>28</sup> Committee 1 however did not find “material reason to change the report substantially.”<sup>29</sup>

Based upon the Inquiry Report, the University’s Deciding Official<sup>30</sup> decided “that sufficient evidence of plagiarism exists to warrant an investigation.”<sup>31</sup> The University notified<sup>32</sup> OIG of the allegation and requested that our office defer its investigation.<sup>33</sup> OIG agreed.<sup>34</sup>

### University Investigation

An investigation committee (Committee 2) was empanelled<sup>35</sup> and charged to “provide a finding concerning the single allegation that [the Mentor]’s use of [the Graduate Student]’s [Fellowship] proposal constitutes plagiarism.”<sup>36</sup> Committee 2 produced a detailed and thorough Investigation Report (Report), containing substantial documentary evidence.<sup>37</sup>

Committee 2 “considered separately the possibility of plagiarism of ideas, processes and results (IPR) from the possibility of plagiarism of words.”<sup>38</sup> Committee 2 began with the premise that “[The Mentor] recognizes that the work statements in the two proposals are nearly identical, but raises as an affirmative defense that he was a co-author of the [Fellowship] proposal and had the right to resubmit the document solely under his name to the NSF.”<sup>39</sup> Committee 2 also noted that

<sup>24</sup> Tab 11, pgs 4-7.

<sup>25</sup> Tab 11, pg 8.

<sup>26</sup> Tab 12.

<sup>27</sup> ‘We’ refers to the Mentor and the Mentor’s attorney, [REDACTED] who prepared the response.

<sup>28</sup> Tab 12, pg 5.

<sup>29</sup> Tab 13.

<sup>30</sup> [REDACTED]

<sup>31</sup> Tab 1, pg 2.

<sup>32</sup> Tab 1.

<sup>33</sup> Tab 1.

<sup>34</sup> Tab 14. The Mentor was also notified of the investigation (Tab 15).

<sup>35</sup> Tab 16. The Mentor objected to the inclusion of a committee member because she served on the Inquiry Committee; however, the Vice President for Research decided “to constitute the investigation committee including [her]” (Tab 17).

<sup>36</sup> Tab 18, pg 1. Tab 19 contains Committee 2’s investigative plan and Tabs 20 and 21 contain documents related to the appointment of an outside expert.

<sup>37</sup> Tab 22. A list of attachments appears on pgs 18-20. Due to the copious nature of these documents, they are excluded from the present report, but are available for review in OIG as part of the larger file.

<sup>38</sup> Tab 22, pgs 6-7.

<sup>39</sup> Tab 22, pg 2.

“Neither the inquiry nor the subsequent investigation has identified further instances of plagiarism or additional allegations of research misconduct.”<sup>40</sup>

In terms of plagiarism of IPR, “the committee was presented with contradictory statements in the context of the origination of IPR – contradictions it was unable to resolve.”<sup>41</sup> For example, the Mentor claimed to have contributed “100% of the ideas” for the Fellowship proposal while the Graduate Student said he contributed only 5%.<sup>42</sup> The Mentor also claimed the IPR originated in his [REDACTED] while the Graduate Student, the other University faculty member, and another researcher claimed to have discussed similar ideas beginning in 1993, and the two other researchers had submitted an NSF proposal containing similar ideas in 1994-1995.<sup>44</sup>

Committee 2 tried to differentiate the Graduate Student’s and the Mentor’s research, but the evidence was similarly ambiguous.<sup>45</sup> For instance, a document summarizing the Mentor’s research ideas<sup>46</sup> and a document outlining the Graduate Student’s research,<sup>47</sup> which were produced independently yet simultaneously, “suggest[], but do[] not prove, that the [Graduate Student] did originate the ideas in the [Fellowship] and subsequent NSF proposal, and further suggest[] that [the Mentor]’s research agenda would take him in a different direction.”<sup>48</sup> However, the outside expert concluded that “the proposed experiments were the natural progression of previous work and could have been developed by either scientist.”<sup>49</sup>

Based on documentary evidence; the interviews;<sup>50</sup> the Mentor’s statements;<sup>51</sup> and “the eight year history of [the Graduate Student] working with [the Mentor] in his lab and by e-mail, and the likelihood that during this period significant discussion of the ideas – if not the experimental details (which the committee understands are fairly standard) – contained within the [Fellowship] proposal took place,”<sup>52</sup> Committee 2 concluded that it “could not find adequate evidence to show [the Mentor] had no claim of legitimate contribution” to the IPR.<sup>53</sup>

In terms of plagiarism of words, Committee 2 compared the proposals and found 131 textual differences, 50 of which were pronoun shifts from “I” in the Fellowship proposal to “we” in the NSF proposal. Other differences were consistent with the NSF proposal being based on a draft version of the Fellowship proposal.<sup>54</sup> In addition, the NSF proposal included references to personal

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<sup>40</sup> Tab 22, pg 2.

<sup>41</sup> Tab 22, pg 7.

<sup>42</sup> Tab 22, pg 7.

<sup>43</sup> Tab 23.

<sup>44</sup> Tab 22, pg 7. Tab 24 contains the previous NSF proposal.

<sup>45</sup> Tab 22, pg 7.

<sup>46</sup> Tab 25.

<sup>47</sup> Tab 26.

<sup>48</sup> Tab 22, pgs 7-8.

<sup>49</sup> Tab 22, pg 8.

<sup>50</sup> Tab 27. Complete transcripts of interviews are available for review in OIG as part of the larger file.

<sup>51</sup> Tab 28. Attachments listed on the Exhibit List are available for review in OIG as part of the larger file as are additional statements by the Mentor.

<sup>52</sup> Tab 22, pg 8.

<sup>53</sup> Tab 22, pg 8.

<sup>54</sup> Tab 29.

communication between the Graduate Student and researchers even though the Mentor was not part of those discussions.<sup>55</sup>

Committee 2 therefore examined the following questions in the remainder of its investigation:

- Was [the Mentor] a co-author of the [Fellowship] grant application?<sup>56</sup>
- Was explicit permission given by [the Graduate Student] for [the Mentor]'s submission of her work?<sup>57</sup>

In considering the issue of co-authorship, Committee 2 examined the finalized proposals, Fellowship proposal drafts, other documents written by the Graduate Student, and statements from interviewees including two individuals who worked in the Mentor's laboratory.<sup>58</sup> Committee 2 could not find "substantial evidence that supports [the Mentor]'s claim that he helped draft and/or revise the proposal for intellectual content"<sup>59</sup> nor could it find "credible first-hand evidence that [the Mentor] contributed on more than an editorial basis in the drafting of the [Fellowship] proposal."<sup>60</sup> Committee 2 also could not verify the Mentor's claim "that more substantial edits would have shown up in e-mails that were deleted from the [academic]<sup>61</sup> Department's mail server."<sup>62</sup> Instead, Committee 2 found evidence suggesting [the Mentor] was unfamiliar with certain methodologies contained in the proposals, which "raises further concern about [the Mentor]'s contribution to the substance of the [Fellowship] proposal."<sup>63</sup>

Furthermore, Committee 2 found "it highly unlikely that if [the Mentor] had been fully involved in the [Fellowship] proposal development, he would have submitted a version to the NSF that contained . . . errors"<sup>64</sup> as the non-finalized Fellowship proposal had. Similarly, Committee 2 observed that had "[the Subject] approved the final document [of the Fellowship proposal], he would have seen that his contributions were not acknowledged, and if warranted, could have directed [the Graduate Student] to correct this," adding, "The fact that he did not supports one of two conclusions: either (1) he did not see the final version (and hence could not have approved it) or (2) at the time he did not feel his contributions warranted inclusion" in the Fellowship's acknowledgement section.<sup>65</sup>

Lastly, Committee 2 quoted NSF's Grant Proposal Guide regarding proper scholarship and attribution.<sup>66</sup> Given NSF's policies, Committee 2 wrote:

<sup>55</sup> Tab 29.

<sup>56</sup> Tab 22, pg 9.

<sup>57</sup> Tab 22, pg 13.

<sup>58</sup> Their statements, like statements from all those interviewed, are available for review in OIG as part of the larger file.

<sup>59</sup> Tab 22, pg 9.

<sup>60</sup> Tab 22, pg 11.

<sup>61</sup> [REDACTED]

<sup>62</sup> Tab 22, pg 11.

<sup>63</sup> Tab 22, pg 11.

<sup>64</sup> Tab 22, pg 12.

<sup>65</sup> Tab 22, pg 12. The acknowledgement section referenced is Section 30c [REDACTED] (Tab 3, pg 22). Committee 2 was interested in the Fellowship proposal's final version since the University Research Handbook states that in order for one to qualify as an author one must have approved the final version of a document (Tab 30).

<sup>66</sup> GPG Section I.D.3.

No matter what conclusion may be drawn, it would be impossible not to include [the Graduate Student] as at least a co-author of the NSF proposal. [The Mentor]'s failure to acknowledge [the Graduate Student] clearly does not meet this guideline and raises serious questions concerning his intent to mask from NSF [the Graduate Student]'s role in developing the proposal.<sup>67</sup>

For the above reasons, Committee 2 concluded that "a preponderance of evidence indicates that [the Mentor] is not a co-author of the [Fellowship] proposal."<sup>68</sup>

In considering the issue of permission, Committee 2 considered interview statements and written documents such as the Graduate Student's job applications. While the Mentor's statements included his adamant claim of having "received explicit verbal permission from [the Graduate Student] on three separate occasions<sup>69</sup> to resubmit the [Fellowship] proposal," "[the Graduate Student] categorically denies providing this permission, or even knowing that [the Mentor] was planning to submit the [Fellowship] proposal to the NSF."<sup>70</sup> Committee 2 added that, "[The Mentor] was unable to provide any evidence, beyond his own statements, to support his claim that [the Graduate Student] gave verbal permission" and "the committee has difficulty squaring the known circumstances with [the Mentor]'s assertions that permission was given."<sup>71</sup> In fact, the Graduate Student's job application at another University<sup>72</sup> submitted after the Mentor claimed to have received permission,<sup>73</sup> provided evidence that the Graduate Student intended to continue this research. Committee 2 noted that this application "provides evidence that . . . [the Graduate Student] had not made a final decision to abandon the line of research in question."<sup>74</sup>

Committee 2 addressed the Mentor's claims that the Complainant had seen the NSF proposal prior to submission, and had even "told [the Mentor] to 'submit it on your own,' explicitly recommending that [the Mentor] resubmit the [Fellowship] proposal to NSF."<sup>75</sup> This claim however contradicted the other University faculty member's statement that while he knew a proposal was being submitted, evidenced by his letter of support, he had not seen it nor recommended its resubmission. Committee 2 concluded "that even if [the other University faculty member] had given (possibly tacit) approval for resubmission of the [Fellowship] proposal to the NSF, it ultimately would have little bearing on whether it was proper for [the Mentor] to do so."<sup>76</sup>

Committee 2 also addressed the Mentor's claim that the Graduate Student had willingly provided him with a disk containing the proposal, and that the Graduate Student had not considered his actions inappropriate, evident by her reaction to the e-mail and her subsequent request of a letter

<sup>67</sup> Tab 22, pg 12.

<sup>68</sup> Tab 22, pg 15.

<sup>69</sup> The Mentor claims to have received permission: 1) when the Fellowship proposal was rejected; 2) when the Mentor received the disk containing the proposal from the Graduate Student; and 3) when the Graduate Student left the University (Tab 22, pg 13).

<sup>70</sup> Tab 22, pg 13.

<sup>71</sup> Tab 22, pg 13.

<sup>72</sup> [REDACTED]

<sup>73</sup> Tab 31. Tab 31 also contains a draft of the application with the Mentor's edits indicating his knowledge of its contents.

<sup>74</sup> Tab 22, pgs 13-14.

<sup>75</sup> Tab 22, pg 14.

<sup>76</sup> Tab 22, pg 14.

of recommendation from the Mentor. Committee 2 found evidence that “it was standard practice in the lab to leave behind a record of all work done in the lab,” adding that “even if [the Graduate Student] expected [the Mentor] to use materials found in the [Fellowship] proposal, this does not indicate she expected him to use the proposal verbatim without attribution nor does it give him implicit permission to do so.”<sup>77</sup> Committee 2 also found “the wording of this email<sup>78</sup> to be misleading, and may, in part, explain [the Graduate Student]’s initial response.”<sup>79</sup> Lastly, Committee 2 found “. . . [the Graduate Student]’s subsequent solicitation of advice from [the other University faculty member] supports the conclusion she was unaware that [the Mentor] had submitted a proposal (in any form, much less a near verbatim copy of the [Fellowship]) to the NSF.”<sup>80</sup>

In regard to permission, Committee 2 therefore concluded that it “finds it more likely than not, that [the Graduate Student] did not provide [the Mentor] with permission to re-use the [Fellowship] proposal in a re-submission to the NSF.”<sup>81</sup>

Based on its analysis, Committee 2 found “insufficient evidence to determine whether plagiarism of ideas, processes or results occurred” but found “that, based on a preponderance of evidence, plagiarism of words from the [Fellowship] proposal occurred” since “(a) a preponderance of the evidence indicates that [the Mentor] is not a co-author of the [Fellowship] proposal, and (b) there appeared to be no evidence, beyond [the Mentor]’s statements, supporting the claim of explicit permission to resubmit the [Fellowship] proposal essentially verbatim to NSF.”<sup>82</sup> Committee 2 found that the Mentor acted recklessly since “The committee finds the milder ‘careless’ level of intent cannot be used to describe verbatim use of essentially an entire document – including typographical errors and inconsistencies – without any kind of attribution.”<sup>83</sup>

Committee 2 determined that the Mentor’s “actions represented a significant departure from accepted practices.”<sup>84</sup> Specifically, it stated that University, NSF, and academic society<sup>85</sup> guidelines prohibit plagiarism of words.<sup>86</sup> Furthermore, Committee 2 “repeatedly asked those interviewed if verbatim use by a PhD supervisor of a graduate student’s proposal for work at another institution was at all consistent with acceptable practice in the biological community, even if the proposed work was based upon a previous collaboration. The consensus seems to be that such practices are unheard of.”<sup>87</sup>

Committee 2 recommended that “no further action be taken in this matter at the institutional level”<sup>88</sup> since the Mentor resigned from the University effective June 30, 2007.<sup>89</sup>

<sup>77</sup> Tab 22, pg 15.

<sup>78</sup> Tab 5.

<sup>79</sup> Tab 22, pg 14.

<sup>80</sup> Tab 22, pg 14.

<sup>81</sup> Tab 22, pg 15.

<sup>82</sup> Tab 22, pg 15.

<sup>83</sup> Tab 22, pg 15.

<sup>84</sup> Tab 22, pg 16.

<sup>85</sup> [REDACTED]

<sup>86</sup> Tab 22, pg 16.

<sup>87</sup> Tab 22, pg 16.

<sup>88</sup> Tab 22, pg 17.

<sup>89</sup> Tab 32. In the Mentor’s response to the draft report (Tab 40, pg 7), the Mentor wanted OIG to clarify the chronology, specifically that his resignation did not occur due to the allegation. He wrote:

### Subject's Response to Investigation Report

The Mentor received the draft Report for comment<sup>90</sup> and provided a response prepared by his attorney and a response he himself prepared.<sup>91</sup> The response prepared by his attorney stated, "A review of the Draft Investigation Report reveals significant procedural, factual and due process issues that culminated in an unjust result and conclusion."<sup>92</sup> The Mentor's objections included what he perceived as the untimely and inadequate sequestering of records;<sup>93</sup> insufficient notification of the Mentor about the investigation, the process, and his rights;<sup>94</sup> University failures in charging the committee;<sup>95</sup> bias and conflicts of interest;<sup>96</sup> loss of key evidence;<sup>97</sup> issues related to interviewing;<sup>98</sup> misapplication of the burden of proof standard;<sup>99</sup> and errors in applying the University policy within the Report.<sup>100</sup> Attachments to the response included a marked up version of the Report with comments; the Mentor's rebuttal of selected interviews; references regarding the issue of corresponding author; a letter refuting the other University faculty member's testimony; documentation of his collaboration with the Graduate Student; and information clarifying a salary issue that arose during the inquiry/investigation.<sup>101</sup>

### University Adjudication

The University President<sup>102</sup> concurred with the Committee's findings and explained that "[the University] is not in a position to impose sanctions on [the Mentor]" because of his resignation.<sup>103</sup> However, the University chose to terminate the NSF award and return the funds.<sup>104</sup>

### OIG's Assessment

OIG concludes that the University followed reasonable procedures and produced an accurate and complete body of evidence addressing the allegation of plagiarism in the Mentor's NSF

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Although the allegations against me certainly influenced my decision to stay in my new job, it had no bearing whatsoever on my decision to apply for my present position or begin my new position in May 2006 before this allegation was even brought to my attention. In fact, my application for my present position preceded by 6 months the submission of the NSF proposal. It even preceded the news that [the Graduate Student]'s [Fellowship] proposal had not been funded. ...

I arranged with [the University] a one-year leave of absence beginning May, 2006. The terms of contractual agreement between [the University] and myself were that I would notify [the University] by March 30, 2007, of my intent to either return to [the University] or remain in my present position. I was thus essentially forced to elect to tender my resignation by the timing of the contractual agreement and not by the allegation against me. (Emphasis in original.)

<sup>90</sup> Tab 33.

<sup>91</sup> Tab 34.

<sup>92</sup> Tab 34, pg 1.

<sup>93</sup> Tab 34, pg 1.

<sup>94</sup> Tab 34, pg 2.

<sup>95</sup> Tab 34, pg 2.

<sup>96</sup> Tab 34, pg 3.

<sup>97</sup> Tab 34, pg 3.

<sup>98</sup> Tab 34, pg 4.

<sup>99</sup> Tab 34, pg 4.

<sup>100</sup> Tab 34, pg 5.

<sup>101</sup> Tab 34.

<sup>102</sup> [REDACTED]

<sup>103</sup> Tab 35.

<sup>104</sup> Tab 35. Tab 36 contains the letter sent to NSF requesting termination of the award.

proposal. OIG finds that the University's final report, including supporting evidence, adequately responds to the scientific issues identified in our investigation referral letter. Therefore in lieu of conducting an investigation, OIG accepted the University's Report.

OIG contacted the Mentor to provide him an opportunity to further respond to the allegation.<sup>105</sup> The Mentor, via his attorney, argued that

the committee apparently ignored or gave very little weight to: eyewitness testimony of other members of [the Mentor]'s lab; a strong personal relationship between the accuser who brought the charges and [the Mentor]'s former student whose work was allegedly plagiarized; discounting the testimony of [the Mentor's expert witness],<sup>106</sup> stressing the minimal significance of the subject's actions, while giving apparent weight to the opinions of an 'expert' who testified well beyond the scope of his expertise; and so forth.<sup>107</sup>

OIG reviewed the Mentor's response and concluded that a finding of research misconduct is warranted.

A finding of research misconduct by NSF requires that (1) there be a significant departure from accepted practices of the relevant research community, that (2) the research misconduct be committed intentionally, or knowingly, or recklessly, and that (3) the allegation be proved by a preponderance of the evidence.<sup>108</sup>

#### The Acts

The Mentor allegedly plagiarized text and ideas into his NSF proposal from his Graduate Student's Fellowship proposal. The Mentor admitted to submitting the identical proposal to NSF, but argued that he had co-authored the initial text and had permission to resubmit the proposal.

Committee 2 found "insufficient evidence to determine whether plagiarism of ideas, processes or results occurred." However, the committee found "that, based on a preponderance of evidence, plagiarism of words from the [Fellowship] proposal occurred,"<sup>109</sup> concluding that "(a) a preponderance of the evidence indicates that [the Mentor] is not a co-author of the [Fellowship] proposal, and (b) there appeared to be no evidence, beyond [the Mentor]'s statements, supporting the claim of explicit permission to resubmit the [Fellowship] proposal essentially verbatim to NSF."<sup>110</sup>

Thus, based on a preponderance of the evidence before the investigation committee, the committee finds that [the Mentor]'s use of [the Graduate Student]'s work constitutes research misconduct in that 1) it meets the definition of plagiarism as contained in NSF's Research Misconduct regulations (45 CFR

<sup>105</sup> Tab 37.

<sup>106</sup> [REDACTED]

<sup>107</sup> Tab 38, pg 1. Attachments to the Mentor's response, including previous documents prepared by the Mentor's attorney and letters of character reference written on the Mentor's behalf, are available for review in OIG as part of the larger file.

<sup>108</sup> 45 C.F.R. §689.2(c).

<sup>109</sup> Tab 22, pg 15.

<sup>110</sup> Tab 22, pg 15.

689), 2) it represents a serious departure from accepted practices at [the University] and in the [academic]<sup>111</sup> community, and 3) it was committed recklessly.<sup>112</sup>

OIG concurs with Committee 2. While OIG agrees that the genesis of the proposal's IPR is unclear given the mentor-student relationship between the Mentor and the Graduate Student, OIG concurs that the Mentor's resubmission of his Graduate Student's Fellowship proposal to the NSF without acknowledgement constitutes plagiarism and represents a significant departure from accepted practices.

Intent

Committee 2 found the Mentor acted recklessly:

The committee finds the milder 'careless' level of intent cannot be used to describe verbatim use of essentially an entire document – including typographical errors and inconsistencies – without any kind of attribution. Based upon the testimony of [the Mentor] and the e-mail correspondence between [the Mentor] and [Graduate Student], it is possible that the respondent was (erroneously) convinced his interaction with and supervision of [the Graduate Student] were sufficient to give him ownership of the words appearing in the [Fellowship] proposal. [The Mentor] also claimed particular knowledge of the ethical conduct of research, was in a position to understand the need to appropriately cite and acknowledge the work of others, and to apply that knowledge through normative practices. If the committee had been able to verify that the knowledge he had of these issues was aligned with what is expected at [the University] and among scientists in his discipline, the level of intent would have been established as knowing. However, the committee was unable to find sufficient evidence that he was actually aware, as he should have been, that his actions represented a significant departure from accepted practices. Thus, the committee finds that the level of intent is reckless.<sup>113</sup>

Admittedly, one could argue the Mentor's actions were knowing. As detailed, the Mentor changed pronouns from 'I' to 'we,' was unfamiliar with certain ideas in the proposal, included information from conversations in which only the Graduate Student had been a part, etc. In addition, had the allegation not been raised, the Mentor could have harmed his departed graduate student's budding career by taking her ideas and getting them funded.

Nonetheless, OIG concurs with Committee 2 that the Mentor's actions were reckless. Though the Mentor clearly knew he was resubmitting the same proposal, his statements indicate that he believed his actions were justified given the academic and financial support inherent in the mentor-student relationship as well as verbal consent he claims he received from the Graduate Student, but

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<sup>111</sup> [REDACTED]

<sup>112</sup> Tab 22, pg 16.

<sup>113</sup> Tab 22, pg 15-16.

which the Graduate Student denies. Similar to Committee 2, OIG believes the evidence suggests that the proposal could have been a product of the eight years the Graduate Student spent in the Mentor's lab, a culmination of ideas and experiments discussed during that period. Additionally, OIG, again like Committee 2, notes that the Mentor's academic record includes no other research misconduct allegations. While our office is not suggesting that these factors excuse the Mentor's actions, we did however determine that they justify considering the action as reckless rather than knowing.

#### *Standard of Proof*

Committee 2 found by a preponderance of evidence that the Mentor plagiarized text in his NSF proposal. Because the preponderance of evidence does show that the Mentor copied text into his NSF proposal without attribution, we concur with Committee 2.

OIG concludes that the Mentor did, by a preponderance of evidence, recklessly plagiarize text, under circumstances constituting a significant departure from accepted practices, thereby committing an act of research misconduct.<sup>114</sup>

#### **OIG's Recommended Disposition**

When deciding what appropriate action to take upon a finding of misconduct, NSF must 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.<sup>115</sup>

#### *Seriousness*

The Mentor copied nearly the entire unfunded Fellowship proposal his Graduate Student wrote into his funded NSF proposal without acknowledging the contributions of the Graduate Student or the Fellowship's sponsoring researcher and without citing the Graduate Student's dissertation. No evidence exists confirming the Mentor's claim that the Graduate Student knew her Ph.D. advisor was resubmitting the proposal to NSF. Instead, evidence indicates that the Graduate Student intended to continue pursuing this research. The Mentor's actions thus created a situation in which not only was the Graduate Student's effort not disclosed, but her own research was jeopardized.

In addition, the Mentor actively wrote the NSF proposal to further present the intellectual content of the proposal and the text as the product of his own work, work he claims he had the right to reproduce as his own. For example, the Mentor changed 'I' from the Fellowship proposal to 'we' in the NSF submission and did not remove references to conversations the Graduate Student had with researchers, conversations in which he was not a part. The NSF proposal thus provided reviewers with inaccurate information by which to assess its merit.

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<sup>114</sup> 45 C.F.R. part 689.

<sup>115</sup> 45 C.F.R. § 689.3(b).

Lastly, but perhaps most crucially, the Mentor's actions are a violation of the standards of scholarship, of the fundamental tenets of research ethics, and of the mentor-student relationship. The Graduate Student worked with the Mentor, her Ph.D. advisor, for eight years, and the Mentor justified his resubmission of the proposal partially based on this relationship. The Mentor claimed that, in his role as mentor, he co-authored the Fellowship proposal, had funded and helped develop the Graduate Student's ideas, and had been given the Fellowship proposal on disk by the Graduate student. However, evidence indicated that the Mentor provided only minor edits to the proposal, a level of involvement that might be consistent with the mentor-student relationship, but one that does not confer the right to use the material as the reviewer's own. Funding a student and helping a student develop ideas also do not confer blanket permission to reuse his or her text. Similarly, while evidence suggested that it is standard practice for graduate students leaving a laboratory to leave their materials in that laboratory, nothing presented to the committee suggested that this standard practice allowed a researcher to present material contained on those disks as their sole author. As Committee 2 wrote, "The seriousness of this case finds its base primarily in an abrogation of a mentor's duty to teach correct principles of authorship and respect for the peer review process, and to recognize the independence of colleagues functioning at every level in the mentor's group."<sup>116</sup>

*Degree to which Misconduct was Reckless*

In submitting the NSF proposal, the Mentor clearly knew he was resubmitting his Graduate Student's Fellowship proposal as his own. Furthermore, the Mentor not only copied the text of another author without attribution, but also actively modified the proposal to further present the content of the text as the product of his own work. In so doing, the Mentor violated several tenets of the research community.

First, the Grant Proposal Guide clearly articulates NSF's expectations.

NSF expects strict adherence to the rules of proper scholarship and attribution. The responsibility for proper attribution and citation rests with authors of a proposal; all parts of the proposal should be prepared with equal care for this concern. Authors other than the PI (or any co-PI) should be named and acknowledged. Serious failure to adhere to such standards can result in findings of research misconduct. NSF policies and rules on research misconduct are discussed in the AAG Chapter VII.C, as well as in [45] CFR Part 689.<sup>117</sup>

The Mentor has submitted nine proposals to NSF since 1989, only one of which has received funding,<sup>118</sup> and, as such, should be familiar with NSF requirements.

Second, the Mentor's own Biographical Sketch<sup>119</sup> suggests that he should be aware of standards for proper acknowledgement. For example, according to the Biographical Sketch, the

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<sup>116</sup> Tab 22, pg 16.

<sup>117</sup> GPG Section I.D.3. (June 2007). An identical provision existed in the GPG in effect at the time the Mentor submitted the proposal.

<sup>118</sup> [REDACTED] (Tab 2).

<sup>119</sup> Tab 2 contains the Biographical Sketch the Mentor submitted as part of the NSF proposal.

Mentor is a reviewer for 12 scientific journals. A [REDACTED] for one journal published by an academic society<sup>120</sup> in the Mentor's field states:

[REDACTED]

Similar ethics standards appear in other journals, many of which should be familiar to the Mentor.

Third, as a faculty member, the Mentor violated his University's policy describing the qualifications of authorship, a policy that is broadly recognized as a normative standard. According to the policy,<sup>122</sup>

[REDACTED]

Evidence indicates that the Mentor, who has taught at the University since 1995, did not satisfy the second or third criterion, negating his claim to co-authorship under his University's policy. Without co-authorship, the Mentor's resubmission of his Graduate Student's proposal amounts to plagiarism of words.

Lastly, but most crucially, the Mentor violated the student-mentor relationship, a special, trusted relationship within the research community. This relationship is indeed so unique that research ethics manuals often address the issues that such a relationship raises. For example, Sigma Xi, The Scientific Research Society, writes in "Honor in Science": "The Graduate student is also entitled to the same treatment in respect of written work from laboratory heads or supervisors that the latter would expect from journal editors or referees . . . if that work is taken and 'improved' by the supervisor and published without the student's knowledge or permission . . . call it plagiarism or plain theft."<sup>124</sup> Similarly, The National Academies' "On Being a Scientist: Responsible Conduct in Research" contains a section entitled "Authorship Practices" in which they state: "The allocation of credit can be particularly sensitive when it involves researchers at different stages of their careers—for example, postdocs and graduate students, or senior faculty and student researchers. In such situations, differences in role and status compound the difficulties of according credit."<sup>125</sup>

<sup>120</sup> [REDACTED] The University examined the policies of this academic society in its own report.

<sup>121</sup> [REDACTED] (Downloaded on September 17, 2007).

<sup>122</sup> Tab 30.

<sup>123</sup> Tab 30.

<sup>124</sup> "Honor in Science." 1997. Sigma Xi, The Scientific Research Society. Research Triangle Park, North Carolina.

<sup>125</sup> "On Being a Scientist: Responsible Conduct in Research." 1995. 2<sup>nd</sup> Ed. National Academy Press. Washington, D.C.

It is the complexity and violation of this tenuous relationship that is here at issue and that makes the Mentor's action such an egregious violation of research ethics. The Mentor, who has mentored a total of eight graduate and four postdoctoral students,<sup>126</sup> violated the trust of his Graduate Student by presenting her work as solely his own. Indeed, had the allegation not been raised, the Mentor would have proceeded with work under an award made possible by his Graduate Student's work, and possibly harmed her fledgling career. The Mentor's actions, therefore, not only served to strain the unique relationship, but also served to sabotage it.

#### Pattern

OIG believes the current evidence does not support a finding of pattern related to the Mentor's actions.

#### Impact on the Research Record

The NSF proposal containing the plagiarized text was funded for \$400,000 over three years. The University however placed an administrative hold on the award pending the outcome of its investigation and no award money was drawn out. The University decided after the investigation to terminate the award. NSF funds were therefore not used in support of this award and can be reallocated towards other awards.<sup>127</sup>

The Mentor's actions did however adversely affect the research community in that the decision to fund the Mentor's proposal meant that another researcher's proposal did not receive funding. In addition, research that reviewers deemed worthy of funding will not be undertaken due to the Mentor's actions and the resulting termination of the award.

#### Other Relevant Factors

The nature and seriousness of the Mentor's actions are such that OIG recommends that NSF needs to take action to ensure that the scientific community understands NSF's position regarding mentor-student relationships. While NSF never condones plagiarism of words or ideas, such actions become significantly more unscrupulous when a student becomes the victim of his or her mentor's actions. As the National Science Foundation, NSF's responsibility is not only to fund the next generation of scientists, but to help foster these new careers. Correcting mistreatment of these young scholars is one such way to accomplish this task.

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

NSF OIG sent the Mentor a copy of its draft investigation report.<sup>128</sup> In that report, we recommended making a finding of research misconduct; sending the Mentor a letter of reprimand; debarment for 2 years; requiring certifications and assurances for 3 years following the debarment period; barring him from serving as a reviewer of NSF proposals for 3 years; and requiring certification of his having attended an ethics course.

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<sup>126</sup> Tab 2, Biographical Sketch.

<sup>127</sup> The FCTR and the Obligation Report confirm that the Year 1 award of \$120,000 was terminated prior to the expenditure of any award funds.

<sup>128</sup> Tab 39 contains the letter OIG sent the Mentor. The draft investigation report, not included in the attachments, is identical to the current report aside from this section and amended recommendations.

The Mentor provided an extensive written response to our draft report.<sup>129</sup> He reiterated that: the act was an honest error; he co-authored the Fellowship proposal; he received explicit permission from the Graduate Student to resubmit the document; he believed he had sufficiently attributed the Graduate Student's contribution to the NSF proposal; he did not hide the resubmission from the Graduate Student or the University faculty member; character references attest to his integrity as a mentor and researcher;<sup>130</sup> and he would not have resubmitted the document without permission.<sup>131</sup> The Mentor also requested OIG further investigate the matter.<sup>132</sup>

Given the similarity between the Mentor's current and previous responses, OIG determined that substantial re-investigation was unwarranted. However, OIG did further investigate two issues. First, the Mentor stated that manuscripts he and the Graduate Student co-authored illustrated a general pattern of co-authorship. Of note was his statement that:

Much of the [Fellowship] proposal is based on the two publications [Article 1 and Article 2]<sup>133</sup> and formed the basis for a third publication [Article 3]<sup>134</sup> that [the Graduate Student] and I co-authored, as well as on my [University faculty grant]<sup>135</sup> from 1997.<sup>136</sup>

Since the University report had not examined this third co-authored publication, OIG examined the text in that publication, and re-examined the text in the other co-authored articles and the University faculty grant, to see whether identical verbatim text appeared in the Fellowship and NSF proposals.

In examining the articles, OIG noted that no or little identical text existed between the University faculty grant and the proposals, and Article 1<sup>137</sup> and the proposals. Thus although the ideas were similar between documents, the text was not copied verbatim, but instead rewritten.

Conversely, OIG found 56 lines of identical or nearly identical text, 3 identical or nearly identical figures and captions, and 6 identical embedded references in the proposals that had been taken from Article 2 (written before both proposals) and that appeared in Article 3 (written after the Fellowship proposal but before the NSF proposal).<sup>138</sup> In the proposals, these materials were located

<sup>129</sup> Tab 40.

<sup>130</sup> Tab 41 contains the letters of character reference sent on the Mentor's behalf.

<sup>131</sup> Tab 40, pg 1.

<sup>132</sup> Tab 40, pg 1.

<sup>133</sup> Article 1:

[REDACTED]  
[REDACTED] and Article 2: [REDACTED]  
[REDACTED] The

articles can be found in Tab 42.

<sup>134</sup> Article 3:

[REDACTED] The article can be

found in Tab 42.

<sup>135</sup> Tab 23.

<sup>136</sup> Tab 40, pg 9.

<sup>137</sup> Tab 42.

<sup>138</sup> Tab 42.

in the “Background and Significance” section and “Research Design and Methods” section, specifically in regard to “Overall goals” and Specific Aim 1.1.<sup>139</sup>

Thus, some text in Article 2 does appear in the Fellowship/NSF proposal, and some text in the Fellowship/NSF proposal does appear in Article 3, although these are relatively minimal uses of verbatim language. The relationships between the proposals and the articles do not appear to be as extensive as the Mentor claims. However, the fact that some duplication of text can be observed among the Fellowship proposal and the collaborative articles (written before and after the Fellowship proposal) does tend to reduce the strength of the evidence supporting the conclusions of Committee 2 and OIG as to the authorship of the Fellowship proposal. While the new evidence does not reduce the level of certainty below the evidentiary threshold, it does provide a basis for mitigating OIG’s recommendations.

The second issue OIG further investigated was the Mentor’s claim that his students were not required to leave all their materials upon departing his lab. He stated:

I was given a CD with open source files of [the Graduate Student’s Fellowship] proposal to use as a template for the NSF proposal. Although I required that students leave copies of their data for their NIH-funded research, I did *not* require that they leave copies – and particularly open source files – of their written work (particularly unfunded grant proposals). ... That [the Graduate Student] did so was by her own volition and our explicit agreement that I would resubmit the co-authored [Fellowship] proposal to NSF.<sup>140</sup>

The Graduate Student confirmed that she was not aware of any official rule for departing personnel requiring that they leave data. She said she returned the University computer to the Mentor and provided him with a CD of her data, of her own volition. She explained that she and the Mentor were co-authoring a review article and that he was accessing drafts. She also explained that a PI is responsible for maintaining the data. The Graduate Student said she did not purge her personal written materials from the computer or CD, but rather provided the Mentor with everything contained therein.<sup>141</sup>

Although the Graduate Student left the materials of her own volition and chose not to purge her personal writings from the computer and CD, her reaction to the resubmission of the proposal to NSF – one of confusion<sup>142</sup> – indicates that she did not intend for the Mentor to use her personal written materials without permission, as she claims he did. Nonetheless, the Graduate Student’s action of handing over her unsecured personal documents is an action that could easily have been misconstrued by the Mentor, and as such, does mitigate the offense.

NSF OIG determined that both the presence of co-authored identical text within the proposal and the Graduate Student’s choice to willingly leave personal documents substantial mitigating

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<sup>139</sup> Tab 43 contains an annotated version of the NSF proposal. (Blue indicates Article 2 as source; Red indicates Article 3 as source.)

<sup>140</sup> Tab 40, pg 14.

<sup>141</sup> Tab 44.

<sup>142</sup> Tab 44.

factors. However, these factors are not enough to reverse our belief that a finding of misconduct is warranted; the fact remains that the Subject's sole authored NSF proposal is identical in words to the Graduate Student's sole authored Fellowship proposal and does not recognize the Graduate Student as a named author. OIG therefore upholds its determination that the Mentor did, by a preponderance of evidence, recklessly plagiarize text, under circumstances constituting a significant departure from accepted practices, thereby committing an act of research misconduct.<sup>143</sup>

### Recommendation

OIG has changed its initial recommendations based on the above mitigating factors. OIG now recommends that NSF:

- send a letter of reprimand to the Mentor informing him that NSF has made a finding of research misconduct;<sup>144</sup>
- require the Mentor to certify to the AIGI, Office of Inspector General, that proposals or reports he submits to NSF do not contain plagiarized, falsified, or fabricated material for 2 years;<sup>145</sup>
- require that the Mentor submit assurances by a responsible official of his employer to AIGI, Office of Inspector General, that any proposals or reports submitted by the subject to NSF do not contain plagiarized, falsified, or fabricated material for 2 years;<sup>146</sup> and
- require the Mentor to complete an ethics course and provide documentation of its completion to OIG upon completion.

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<sup>143</sup> 45 C.F.R. part 689.

<sup>144</sup> A letter of reprimand is a Group I action (45 C.F.R. §689.3(a)(1)(i)).

<sup>145</sup> Certification by an individual is a Group I action (45 C.F.R. §689.3(a)(1)(iii)).

<sup>146</sup> Requirement for assurances is a Group I action (45 C.F.R. §689.3(a)(1)(iii)).