NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A07010005

We received an allegation of plagiarism by the Subject[1] in a proposal submitted to NSF.[2]

Our investigation confirmed the plagiarism in the proposal and in an earlier version of the same proposal.[3] Both proposals were declined for funding.

Based on our recommendations, NSF made a finding of research misconduct, imposed a one year period of certifications and assurances, prohibited the Subject from serving as an advisor, reviewer or consultant to NSF for two years, and required the Subject to complete research ethics training.[4] Our report and the agency's decision memorandum are attached.

Accordingly, this case is ***closed***.

[1] Redacted.
[2] Redacted.
[3] Redacted.
[4] NSF "Notice of Research Misconduct Determination" January 8, 2009.

CONFIDENTIAL

National Science Foundation
Office of Inspector General

Confidential
Report of Investigation
Case Number A07010005

10 September 2008

This Confidential Investigation Report is the property of the NSF OIG and may be disclosed outside NSF only by OIG under the Freedom of Information and Privacy Acts, 5 U.S.C. §§ 552, 552a.

Executive Summary

We received an allegation of plagiarism in a proposal submitted to NSF.

OIG's inquiry established that:

- copied text appeared in the subject's proposal submitted to NSF without quotation marks and without citation; and
- the apparent source of the copied text was a proposal reviewed in a panel attended by the subject.

OIG's investigation established that:

- the subject copied approximately 55 lines of the same text into each of two NSF proposals, and the source of the text is a proposal reviewed in an NSF panel on which the subject served; and
- the subject's actions are not part of a pattern of plagiarism.

OIG **concludes** that:

- **Act:** The subject plagiarized approximately 55 lines of the same text into each of two proposals submitted to NSF.
- **Intent:** The subject acted intentionally.
- **Significant Departure:** The subject's acts were a significant departure from accepted practices of the research community.
- **Standard of Proof:** A preponderance of the evidence supports a finding that the subject committed research misconduct.

OIG **recommends** that NSF:

- Make a finding of research misconduct by the subject;
- Send a letter of reprimand to the subject;
- Require the subject to submit certifications to the Associate Inspector General for Investigations (AIGI), NSF OIG for 1 year;
- Require the subject's employer to submit assurances to the AIGI of NSF OIG for 1 year;
- Prohibit the subject from serving as a reviewer of NSF proposals for 2 years; and
- Require the subject to provide certification to the AIGI of NSF OIG that he has completed a course in ethics training.

OIG's Inquiry

We received an allegation that a proposal (the FY 07 proposal)[1] submitted to NSF by the subject[2] contained text copied from a previously submitted proposal of another researcher.[3] Our inquiry confirmed the apparently copied text, and that the subject served on the NSF panel in which the apparent source proposal was reviewed. We wrote to the subject to obtain his perspective of the allegation (Tab 1). The subject responded (Tab 2) to our letter, and stated that although he did not directly provide a review of the alleged source proposal, he had read it for its technical content.[4] However, the subject claimed that similarity in wording between his proposal and the alleged source proposal was either coincidental, or a result of the fact that the words for the concepts described were commonly used in textbooks on the topic. The subject stated that there was no plagiarism in his other proposals submitted to NSF.

The subject's reply did not dispel the allegation, and we initiated an investigation. Consistent with NSF's regulation, we referred the investigation to the subject's University, which accepted the referral and completed its own investigation.

University's Inquiry and Investigation

The University convened an Investigation Committee (IC) to review the matter. At the conclusion of its investigation, we received a copy of the IC report and letters that describe adjudicative action taken by the University, and supporting interview summaries and interview transcripts (Tab 3).[5]

As part of its investigation, the IC wrote to the subject on June 18, 2007, and the subject responded in writing on June 21, 2007. The IC interviewed the subject on June 26, 2007, and again on August 2, 2007. The subject's explanations and statements became more specific during the investigation, culminating in answers given in the highly structured interview of August 2, 2007. The IC examined the subject's FY 07 proposal, the alleged source proposal, the subject's earlier FY 06 proposal, and evaluated a subset of the subject's other proposals and publications using a sophisticated linguistics node analysis to establish the uniqueness of the phrasing.

In his letter to the IC of June 21, 2007, the subject revealed that the text in question first appeared in his FY 06 proposal (declined for funding),[6] and that his FY 07 proposal was a resubmission. The subject stated "It was rather sloppy job in my part as during the proposal writing process I inadvertently reproduced by exactly typing some of the sentences believing as they are of mainstream and applicable to unrelated research activities."[7] The subject claims that

---

[1] Redacted.
[2] Redacted.
[3] Redacted.
[4] Subject's response letter, April 3, 2007, page 1.
[5] The University investigation committee report includes other appendices and supporting documents that are available for inspection in OIG.
[6] Redacted.
[7] Subject's document of June 21, 2007 provided to the IC.

he manually typed the text rather than complete a cut-and-paste from an electronic document.[8] The subject states that his hard copy of the source proposal, obtained during the panel review in May 2005, was destroyed in summer 2005; the subject's FY 06 proposal was submitted October 7, 2005.

The subject appears to have acknowledged to the IC on June 26, 2007, that he transcribed portions of the source proposal into one of his own proposals, but also claimed that the apparent duplications in language were because the proposal described standard techniques well-known to the community, and that the language would be found in textbooks.[9] The subject stated "Unfortunately, I used the same language"[10] as was in the source proposal. However, the IC linguistic analysis concluded that the duplicated language was not common to the community, and on August 2, 2007, the subject, while maintaining his claim that the concepts described were common knowledge, clearly acknowledged that he retyped the text taken from the source proposal into his FY 06 proposal, and that he then resubmitted the same material in his FY 07 proposal.[11] The subject claimed that text describing broader impacts of the proposal and educational initiatives was duplicated from the source proposal because "I liked the material and I do the similar thing . . . I might have typed that part so that I could later incorporate into my proposal."[12]

The IC focused on the subject's actions of duplicating the text from the source proposal, and the apparent departure of the subject from his usual standards of citation and reference. The subject stated "What actually happened, as I mentioned the last meeting, when I was preparing these things, I was very stressed. And since this is – I didn't consider this is unique to their research, to save time I did that. And also exactly the same thing I knew. So to write my own way, which I have done many times, it would have taken much longer. So that way to save time I have done this."[13]

Thus, the essential elements established during the IC investigation are:

- the subject maintained possession of a hard copy of the source proposal, obtained by virtue of his participation on the NSF review panel in May 2005, and
- using the hard copy as guide, the subject typed text directly from that source proposal into a proposal that he submitted in FY 06, and
- the FY 06 proposal was not funded, and the subject submitted a slightly revised version of the proposal, still containing the plagiarized text, to NSF in FY 07.[14]

---

[8] Subject's interview August 2, 2007, pages 72-73.

[9] IC report of subject interview June 26, 2007, page 3. The IC's documentation of the June 26 interview suggests that the IC had not yet fully realized that the FY 07 proposal was a resubmission of the FY 06 proposal, containing all the text originally copied into the FY 06 proposal. The August 2, 2007, interview with the subject clarified the situation for the IC.

[10] IC report of subject interview June 26, 2007, page 3.

[11] Subject interview August 2, 2007, pages 50-51.

[12] Subject interview August 2, 2007, page 42.

[13] Subject interview August 2, 2007, page 58.

[14] Our inquiry letter to the subject asked about apparent plagiarism in the FY 07 proposal.

The IC concluded, by a preponderance of the evidence, that the subject committed plagiarism in duplicating text from the source proposal into his FY 06 and FY 07 NSF proposals.[15] The IC concluded, again by a preponderance of the evidence, that these actions were a significant departure from the accepted practices of the relevant research community, and that the actions were intentional.[16] The IC concluded that the subject's actions were isolated and not part of a pattern of behavior.[17]

The University adjudication official[18] concluded that the subject: 1) violated the NSF confidentiality agreement for merit review; 2) intentionally plagiarized from the alleged source proposal into the FY 06 NSF proposal, and then carelessly repeated that plagiarism in a resubmission of the proposal in FY 07; and 3) therefore committed research misconduct. Accordingly, the University: 1) established a one-year period in which the University would not submit proposals to external funding agencies with the subject as PI or coPI; 2) required that the subject certify to the University that proposals submitted for one subsequent year adhere to established standards of scholarship; 3) removed the subject from his position as associate chair of graduate studies in his department, and 4) established a two-year period during which the subject could not receive any administrative stipend[19] from the University.

OIG's Investigation

Based on our review of the IC report, we conclude that the IC followed reasonable procedures, and that its report is accurate and complete. We concur with the committee's and the University's conclusions that the subject committed an isolated and intentional act of research misconduct by plagiarizing from the source proposal into his FY 06 and FY 07 proposals.

OIG's Assessment

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.[20]

Acts

The NSF "Grant Proposal Guide" states: *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.*[21] The subject plagiarized approximately 55 lines of text written by others and presented them as his own words in his FY 06 and FY 07 proposals. We concur with the

[15] IC report August 27, 2007, page 1.
[16] IC report August 27, 2007, page 1.
[17] IC report August 27, 2007, page 2.
[18] Redacted.
[19] The subject was apparently receiving support from the department for administrative duties.
[20] 45 C.F.R. §689.2(c).
[21] NSF Grant Proposal Guide, Chapter 1, Section D.3.

University IC that in so doing, the subject departed from accepted standards of the research community.

The NSF "Instructions for Reviewers, Obligation for Confidentiality," displayed as part of the Fastlane procedure to access proposals for review, states:

> *"NSF receives proposals in confidence and protects the confidentiality of their contents. As a reviewer, you are obligated to maintain the confidentiality of both the proposal you are reviewing and also of your review. Please observe the following practices to maintain this confidentiality: Do not copy, quote from, or otherwise use or disclose to anyone, including your graduate students or postdoctoral or research associates, any material from any proposal you are asked to review. Unauthorized disclosure of confidential information could subject you to administrative sanctions. If you believe a colleague can make a substantial contribution to the review, please obtain permission from the NSF Program Officer before disclosing either the contents of the proposal or the name of any applicant or Principal Investigator. When you have completed your review, be certain to destroy the proposal. Safeguard the six-character alphanumeric PIN that NSF has assigned to this proposal-reviewer combination."*[22]

The subject has served on many NSF review panels,[23] and is familiar with the process and its obligation for confidentiality. In printing and then retaining a hard copy of the source proposal, and later selecting and typing text from that source into his own proposal for submission to NSF, the subject violated his "obligation for confidentiality."

Intent

We concur with the IC's and University's conclusion that the subject's actions were intentional.[24] This level of intent is established by the subject's admitted actions of typing text from the hard copy of the source proposal into his FY 06 proposal. Subsequent reappearance of the duplicated text in the FY 07 proposal was characterized by the University adjudicator as careless.[25] However, we do not concur that an intentional act of plagiarism becomes careless on repetition, and conclude that the repeated act of plagiarism carries the same culpable level of intent.

Standard of Proof

---

[22] Found at https://www.fastlane.nsf.gov/NSFHelp/flashhelp/fastlane/FastLane_Help/fastlane_help.htm#proposal_review_introduction.htm. See also Proposal and Award Manual (NSF Manual 10 (December 2007)), par. V.C.2.b.

[23] Subject interview August 2, 2007, page 64. NSF records show that the subject has provided 63 proposal reviews since FY 01, providing both panel and mail reviews.

[24] University letter to subject August 31, 2007.

[25] University letter to subject August 31, 2007.

OIG's and the university's direct comparison of each of the subject's FY 06 and FY 07 proposals and the source proposal confirmed the duplication of text. The subject admitted to copying the text from the source proposal by typing it into his proposal while consulting a hard copy of the source proposal. An act of plagiarism is thereby established by a preponderance of the evidence, and therefore we conclude that the subject's acts constitute research misconduct.

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.[26]

Seriousness

The subject plagiarized text from a proposal available to him as part of his participation in NSF's confidential review process, and used that text in his own submitted NSF proposal. The subject admitted that he did so to save time. We concur with the University IC that the subject's violation of the confidentiality of the merit review process by keeping a copy of the proposal, and then intentionally copying from it "to save time," is a departure from accepted standards of the research community.

Degree to which the Act was Intentional

The subject has considerable experience in preparing NSF proposals, reviewing NSF proposals, completing funded research, and publishing research results.[27] The subject is familiar with the standards of scholarship required for preparation of proposals, and the obligations of confidentiality in reviewing NSF proposals. The IC found, and we concur, that the subject's actions in this case constitute a departure from his usual and customary practices, but the subject's admitted action of typing text word-for-word from a proposal authored by others into his own proposal is clearly intentional.

Pattern

The IC examined publications and other proposals submitted by the subject and found no evidence of additional plagiarism. We concur with the IC conclusion that there is no evidence of a pattern of unique plagiarism by the subject. We did not consider repeated incidents in which the subject plagiarized the same words as demonstration of a pattern of unique plagiarism.

Impact on the research record

[26] 45 C.F.R. § 689.3(b).

[27] The PI history and a copy of his biographical sketch submitted with FY07 proposal are attached at Tab 5.

Neither proposal in which plagiarism was found was funded. We therefore conclude that the impact of the plagiarism on the research record was minimal.

Subject's Response to the Draft Investigation Report

A draft copy of this report was sent to the subject for comments. In his response letter (Tab 6), the subject does not rebut the report, and reviews the sanctions placed on him by the university, which include a ban on submission of external proposals until September 1, 2008, and certifications until September 1, 2009 that proposals submitted adhere to expected standards of scholarship. The subject was hopeful that any NSF actions would take into account these sanctions already in place.

Recommendation

Based on the evidence in this case, NSF OIG recommends that NSF:

- Make a finding of research misconduct;
- Send a letter of reprimand to the subject;[28]
- Require the subject to submit certifications to the Associate Inspector General for Investigations (AIGI), NSF OIG for 1 year;[29]
- Require the subject's employer to submit assurances to the AIGI of NSF OIG for 1 year;[30]
- Prohibit the subject from serving as a reviewer of NSF proposals for 2 years;[31] and
- Require the subject to provide certification to the AIGI of NSF OIG that he has completed a course in ethics training.[32]

[28] This is listed as a Group I action, 45 C.F.R. § 689.3(a)(1)(i).
[29] A certification is similar to Group I actions, 45 C.F.R. § 689.3(a)(1).
[30] This is listed as a Group I action, 45 C.F.R. § 689.3(a)(1)(iii).
[31] This is listed as a Group III action, 45 C.F.R. § 689.3(a)(3)(ii).
[32] Ethics training is similar to Group I actions, 45 C.F.R. § 689.3(a)(1).

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230

OFFICE OF THE
DEPUTY DIRECTOR

JAN 0 8 2009

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

[redacted]

Re: Notice of Research Misconduct Determination

Dear [redacted]

In 2005, you submitted a proposal to the National Science Foundation ("NSF") entitled, [redacted] In 2006, you submitted another proposal to NSF entitled, "[redacted] As documented in the attached Investigative Report prepared by NSF's Office of Inspector General ("OIG"), these proposals contained plagiarized text.

Research 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).

Your proposals contained verbatim and paraphrased text from a proposal that was submitted to NSF for funding. 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 Committee Report, NSF has determined that, based on a preponderance of the evidence, your plagiarism was committed intentionally 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 intentionally, as well as our determination that it was an isolated incident. I have also considered the fact that you plagiarized text from a proposal made available to you as part of your participation in NSF's merit review process – a clear violation of the confidentiality rules applicable to this process. I have also considered the fact that your misconduct had no impact on the research record, as well as other relevant circumstances. 45 CFR § 689.3 (b).

The fact that you plagiarized text from a proposal that you were asked to review is particularly troubling to me. In fact, had [redacted] not debarred you from September 1, 2007 through September 1, 2008 (albeit on a *de facto* basis), I would have proposed your debarment. After assessing the relevant facts and circumstances of this case, I am taking the following actions against you:

(1) Until December 31, 2009, you must provide certifications to the OIG that any proposal you submit to NSF as a PI or co-PI does not contain plagiarized, falsified, or fabricated material;

(2) Until December 31, 2009 you must submit assurances from a responsible official of your employer to the OIG that your submissions to NSF do not contain

plagiarized, falsified, or fabricated material;

(3) You must certify to the OIG that you have completed a research ethics training on plagiarism by June 30, 2009; and

(4) Until December 31, 2010, you are prohibited from serving as an NSF reviewer, advisor, or consultant.

All certifications and assurances should be submitted in writing to the Office of Inspector General, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia 22230.

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 call [redacted] Assistant General Counsel, at (703) 292-8060.

Sincerely,

Kathie L. Olsen

Kathie L. Olsen
Deputy Director

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