



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A07040020

Page 1 of 1

After conducting an inquiry, we referred an allegation of plagiarism against a former NSF program officer (the Subject)¹ to his home institution.² The alleged plagiarism appeared in an NSF proposal³ that the Subject submitted within one year of his return to the institution. The source of the copied text was a single, funded NSF award that the Subject had recommended for funding during his service to NSF. The proposal named a CoPI,⁴ who served only as the Subject's designated negotiator with NSF, consistent with NSF's post-employment restrictions.

The institution made a finding of research misconduct, noting that the Subject's explanation for the copied text, involving bird vocalizations, was "almost laughable if the charges were not so grave." The institution placed the Subject on unpaid leave for one semester; prohibited him from supervising, advising, and participating in student research programs for one year; prohibited him from submitting proposals for internal and external funding for two years; and, afterward, his proposal submissions, would be reviewed by an institutional committee for two years.

In our attached report, we found that the institution's investigation was accurate and complete in accordance with reasonable procedures. We recommended NSF: make a finding of research misconduct; debar the Subject for two years; require certifications and assurances for five years following the debarment period; require the Subject to certify completion of ethics training; and prohibit the Subject from serving NSF as a reviewer, advisor, or consultant for a period of five years. NSF made a finding of research misconduct (attached) implementing all of our recommendations with the exception of debarring the Subject for 18 months instead of 2 years.

Accordingly, this case is closed.

¹ Dr. Godfrey R. Bourne, [REDACTED]

² [REDACTED]

³ [REDACTED]

⁴ [REDACTED]

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DEPUTY DIRECTOR

MAY 22 2009

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Godfrey Bourne

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Debarment

Dear Dr. Bourne:

On February 19, 2009, the National Science Foundation (“NSF”) sent you a Notice of Proposed Debarment in which NSF proposed to debar you from directly or indirectly obtaining the benefits of Federal grants until August 31, 2010. The Notice sets forth in detail the circumstances giving rise to NSF’s decision to propose your debarment. Specifically, NSF indicated in the Notice that the proposed debarment is based upon your submission of a proposal to NSF containing plagiarized material. In that Notice, NSF provided you with thirty days to respond to the proposed debarment.

Over thirty days have elapsed and NSF has not received a response. Accordingly, you are debarred until August 31, 2010. Debarment precludes you from receiving Federal financial and non-financial assistance and benefits under non-procurement Federal programs and activities unless an agency head or authorized designee makes a determination to grant an exception in accordance with 2 CFR Section 180.135. Non-procurement transactions include grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurance, payments for specified use, and donation agreements.

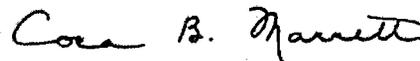
In addition, you are prohibited from receiving Federal contracts or approved subcontracts under the Federal Acquisition Regulations ("FAR") at 48 CFR Subpart 9.4 for the period of this debarment. 2 CFR Section 180.170. During the debarment period, you may not have supervisory responsibility, primary management, substantive control over, or critical influence on, a grant, contract, or cooperative agreement with any agency of the Executive Branch of the Federal Government.

Lastly, please note that, in the Notice of Proposed Debarment, NSF also took the following actions against you, which continue to remain in effect:

- From the end of your debarment period through August 31, 2012, you are required to certify to the OIG that any proposals or reports you submit in connection with NSF-funded research do not contain plagiarized, falsified, or fabricated material.
- From the end of your debarment period through August 31 2012, you are required to submit to the OIG assurances by a responsible official of your employer that any proposals or reports you submit in connection with NSF-funded research do not contain plagiarized, falsified, or fabricated material.
- You are prohibited from serving as an NSF reviewer, advisor, or consultant until August 31, 2012.
- You are required to complete an ethics training course on plagiarism prior to submitting another proposal to NSF as a Principal Investigator or a co-Principal Investigator. You must certify in writing to the OIG that such training has been completed.

If you have any questions regarding the foregoing, please contact [REDACTED] Assistant General Counsel, National Science Foundation, Office of the General Counsel, 4201 Wilson Boulevard, Room 1265, Arlington, Virginia, 22230.

Sincerely,



Cora B. Marrett
Acting Deputy Director

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DEPUTY DIRECTOR

FEB 19 2009

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

Godfey Bourne

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: Notice of Proposed Debarment and Notice of Research Misconduct Determination

Dear Dr. Bourne:

In 2007, the University submitted a proposal to the National Science Foundation ("NSF" or the "Foundation") entitled, [REDACTED] for which you were identified as the Principal Investigator. As documented in the attached investigative report prepared by NSF's Office of Inspector General ("OIG"), this proposal contained plagiarized material.

In light of your misconduct, this letter serves as formal notice that NSF is proposing to debar you from directly or indirectly obtaining the benefits of Federal grants until August 31, 2010. During your period of debarment, you will be precluded from receiving Federal financial and non-financial assistance and benefits under non-procurement Federal programs and activities. In addition, you will be prohibited from receiving any Federal contracts or approved subcontracts under the Federal Acquisition Regulations ("FAR"). Lastly, during your debarment period, you will be barred from having supervisory responsibility, primary management, substantive control over, or critical influence on, a grant, contract, or cooperative agreement with any agency of the Executive Branch of the Federal Government.

In addition to proposing your debarment, I am prohibiting you from serving as an NSF reviewer, advisor, or consultant to NSF until August 31, 2012. Furthermore, until August 31, 2012, I am requiring that you submit certifications, and that a responsible official of your employer submit assurances, that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material. Lastly, you must complete an ethics training course on plagiarism prior to submitting another proposal to NSF as a Principal Investigator or co-Principal Investigator, and

certify in writing to the OIG that you have done so.

Research Misconduct and Sanctions other than D

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 proposal contained verbatim and paraphrased text from a source document. By submitting a proposal to NSF that copies 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. In addition, you failed to properly acknowledge or credit the author of the source document in your proposals. Your conduct unquestionably constitutes plagiarism. I therefore conclude that your actions meet the applicable definition of "research misconduct" set forth in NSF's regulations.

Pursuant to NSF's 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, 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; the fact that you became aware of the source document through your involvement as an NSF Program Officer in the confidential merit review process; and the fact that you misrepresented to the author of the source document how you would be using her proposal. I have also considered other relevant circumstances. 45 CFR § 689.3(b).

I, therefore, take the following actions:

- From the end of your debarment period through August 31, 2012, you are required to submit certifications that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material.
- From the end of your debarment period through August 31, 2012, 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.
- From the date of this letter through August 31, 2012, you are prohibited from serving as an NSF reviewer, advisor, or consultant.
- You are required to complete an ethics training course on plagiarism prior to submitting another proposal to NSF as a Principal Investigator or a co-Principal Investigator. You must certify in writing to the OIG that such training has been completed.

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.

Debarment

Regulatory Basis for Debarment

Pursuant to 2 CFR 180.800, debarment may be imposed for:

- (b) Violation of the terms of a public agreement or transaction so serious as to affect the integrity of an agency program, such as –
 - (1) A willful failure to perform in accordance with the terms of one or more public agreements or transactions; or

- (3) A willful violation of a statutory or regulatory provision or requirement applicable to a public agreement or transaction

In any debarment action, the government must establish the cause for debarment by a preponderance of the evidence. 2 CFR 180.850. In this case, you knowingly plagiarized material in a grant proposal submitted to the Foundation. Thus, your action supports a cause for debarment under 2 CFR 180.800(b).

Length of Debarment

Debarment must be for a period commensurate with the seriousness of the causes upon which an individual's debarment is based. 2 CFR 180.865. Generally, a period of debarment should not exceed three years but, where circumstances warrant, a longer period may be imposed. 2 CFR 180.865. Having considered the seriousness of your actions, as well as the relevant aggravating and mitigating factors set forth in 2 CFR 180.860, we are proposing your debarment until August 31, 2010.

Appeal Procedures for Finding of Research Misconduct and Procedures Governing Proposed Debarment

Appeal Procedures for Finding of Research Misconduct

Under NSF's regulation , you have 30 days after receipt of this letter to submit an appeal of this finding, 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, the decision on the finding of research misconduct will become final. For your information, we are attaching a copy of the applicable regulations.

Procedures Governing Proposed Debarment

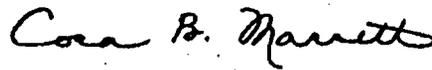
The provisions of 2 CFR Sections 180.800 through 180.885 govern debarment procedures and decision-making. Under our regulations, you have 30 days after receipt of this notice to submit, in person or in writing, or through a representative, information and argument in opposition to this debarment. 2 CFR 180.820. Comments submitted within the 30-day period will receive full consideration and may lead to a revision of the recommended disposition. If NSF does not receive a response to this notice within the 30-day period, this debarment will become final.

Any response should be addressed to [REDACTED], General Counsel, National Science Foundation, Office of the General Counsel, 4201 Wilson Boulevard, Room 1265, Arlington,

Virginia 22230. For your information, we are attaching a copy of the Foundation's regulations on non-procurement debarment and FAR Subpart 9.4.

Should you have any questions about the foregoing, please contact [REDACTED], Assistant General Counsel, at (703) 292-[REDACTED]

Sincerely,



Cora B. Marrett
Acting Deputy Director

Enclosures:
Investigative Report
Nonprocurement Debarment Regulations
FAR Regulations
45 CFR Part 689

National Science Foundation Office of Inspector General



Confidential
Report of Investigation
Case Number A07040020
15 October 2008

This Confidential Report of Investigation 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

Allegation: A PI (the Subject) allegedly plagiarized 185 lines of text from another PI's awarded NSF proposal into his own NSF proposal.

OIG Inquiry: We reviewed the proposal and source document and contacted the Subject and CoPI for their perspectives. OIG determined there was sufficient need for a full investigation and referred the matter to the Subject's University.

University Investigation and Action: The University determined by a preponderance of the evidence that the Subject was solely responsible for knowingly copying the material into the proposal, which was a significant departure from accepted practices. The University took the following actions: 1) placing the Subject on leave without pay for one semester; 2) prohibiting him from supervising, advising and participating in student research programs for one year; 3) prohibiting him from submitting research proposals through any internal or external funding source for two years; and afterward 4) allowing him to submit internal and external research proposals which must be reviewed by a university committee.

OIG's Assessment: OIG concurs with the University's assessment.

- **The Act:** The Subject copied 185 lines into his NSF proposal.
- **Intent:** The Subject acted knowingly.
- **Standard of Proof:** The preponderance of the evidence supports the conclusion that the Subject committed intentional plagiarism.
- **Significant Departure:** The Subject's plagiarism was a significant departure from the accepted practices of his research community.
- **Pattern:** The Subject's body of written work does not establish an evidentiary basis to support a pattern of plagiarism.

OIG Recommends that NSF:

- send a letter of reprimand to the Subject informing him that NSF has made a finding of research misconduct;
- debar the Subject for 2 years from the date of NSF's finding;
- require the Subject to provide to the Associate Inspector General for Investigations (AIGI) certification of completion of research ethics training prescribed by the University before submitting any proposals to NSF on which he is the PI or CoPI;
- require the Subject to certify to the AIGI, each time he submits a proposal or report to the NSF, that the proposal or report does not contain plagiarized, fabricated, or falsified material, for 5 years following the debarment;
- require the Subject to submit assurances by a responsible official of his employer to the AIGI, each time he submits a proposal or report to the NSF, that the proposal or report does not contain plagiarized, fabricated, or falsified material, for 5 years following the debarment; and
- bar the Subject from serving as a NSF reviewer, advisor, or consultant for a period of 5 years following the debarment.

OIG's Inquiry

Our office conducted an inquiry into an allegation that a proposal (the Proposal)¹ contained plagiarized material. We identified 185 lines of text apparently copied from an awarded proposal submitted to NSF (the Source).² We determined that the principal investigator (PI)³ on the Proposal was formerly an NSF program officer on temporary assignment from his university (the University) under the Intergovernmental Personnel Act (IPA). While on this IPA assignment at NSF, the PI carried out the merit review for the Source and recommended it for award.⁴

We contacted both the PI (the Subject)⁵ and the CoPI^{6,7} on the Proposal about the allegation. Both provided responses.^{8,9} In her response, the CoPI denied any responsibility for the copied text and stated that her role in the submission was only to serve as a "designated representative" for the Subject.¹⁰ As a former NSF program officer, the Subject was required to designate someone to serve as a "substitute negotiator" for one year following NSF employment.¹¹

The Subject's response did not address his CoPI's role in the preparation of the proposal. He did not deny that he copied the text without attribution and said he was "highly influenced" by the Source. The Subject informed us that he "legally obtained this [the Source] and 29 other NSF proposals directly from the PIs" as material for a book he was editing.¹³ He said he sent a letter to each of the PIs to inquire whether they were willing to participate in the book as a potential contributing author and that he had "permission from the legal division of NSF to proceed with this project."¹⁴ He received an affirmative response from the Source PI.¹⁵

Based on the responses from the Subject and CoPI, we concluded that there was sufficient evidence to warrant a detailed investigation. We referred the matter to the University with both the PI and CoPI as subjects.¹⁶

¹ Tab 01-Subject Proposal [REDACTED]

² Tab 02-Source Document [REDACTED]

³ Godfrey R. Bourne, Ph.D., [REDACTED]

⁴ Tab 03-Review Analysis for Source.

⁵ Tab 04-OIG inquiry letter to the Subject.

⁶ [REDACTED]

⁷ Tab 05-OIG inquiry letter to the CoPI.

⁸ Tab 06-Subject response to the inquiry letter.

⁹ Tab 07-CoPI response to the inquiry letter.

¹⁰ Tab 07, page 1.

¹¹ 45 C.F.R. § 680.12(e).

¹² Tab 06, page 1.

¹³ Tab 06, page 1.

¹⁴ Tab 06, page 2-Subject response to the inquiry letter.

¹⁵ Tab 08-Letter to Subject from author of Source to participate in book editing project.

¹⁶ Tab 09-OIG investigation referral letter to the University.

The University's Inquiry and Investigation¹⁷

In accordance with University policy,¹⁸ the Provost assembled an inquiry committee to determine if a full investigation was warranted. The inquiry committee reviewed relevant email and electronic documents, and interviewed appropriate personnel, including the CoPI and the Subject. In a letter, the Subject waived his right to a hearing by the inquiry committee regarding its determination.¹⁹

In the letter, the Subject stated that he was "guilty as charged, but this is a case of unintended plagiarism," and he offered an explanation for his actions.²⁰ The Subject said that the plagiarism was a result of "sloppy editing and time constraints."²¹ He admitted to using the Source to prepare his proposal but claimed to have removed this material when he could not find published literature supporting the copied text. The Subject said he prepared the proposal at a remote jungle location, an hour's drive from internet access:

On recalling the moment when I 'saved' the version without the unattributed passages---I was distracted by some bird vocalizations outside my thatched roof hut . . . --- I grabbed my Nikon digital camera and tried to get close enough to photograph the pair of Cream-colored Woodpeckers source of the vocalizations. Half an hour later on return to the computer I found that it had crashed. In any case I thought I had saved the 'final version' that was without the passages that got me into NSF's cross-hairs.²²

The inquiry committee concluded that the CoPI was not involved in preparing the Proposal; the role of the CoPI was only to serve as a negotiator in communications with NSF in the event the Proposal was recommended for award.²³ Based on its review of the evidence, the inquiry committee determined that a detailed investigation was warranted with respect to the Subject.²⁴

Following the recommendation for investigation of the allegations against the Subject by the inquiry committee, the University established an Investigation Committee,²⁵ which received a briefing from the Inquiry Committee.²⁶ The Investigation Committee members carefully reviewed the proposal and the Source in side-by-side comparisons. They identified words changed in the copied text and considered the implication of the words changed in determining

¹⁷ The University carried out an inquiry in which both the Subject and the CoPI were treated as subjects in order to resolve clearly the contributions each made to the Proposal. Because the CoPI was ultimately cleared of any wrongdoing in this matter, our investigation report focuses primarily on the role of the Subject.

¹⁸ Tab 10-University Collected Rules and Regulations on Research Misconduct.

¹⁹ Tab 11-Subject letter regarding Inquiry Committee.

²⁰ Tab 11, page 1.

²¹ Tab 11, page 1.

²² Tab 11, page 1.

²³ Tab 12-University letter to OIG, July 18, 2007.

²⁴ Tab 12, page 2.

²⁵ Standing Committee on Research Misconduct

²⁶ Tab 13-PowerPoint presentation to Investigation Committee.

intent. The species to be studied was changed. Most notably, there were many specific instances in which the Subject changed "we will" in the Source to "I will" in the Proposal.²⁷ The Investigation Committee observed that, "of the few changes made among long strings of plagiarized sentences, the most contemptuous were the selective deletions of references to" publications by the author of the Source in the copied sections.²⁸ In addition, the Investigation Committee determined that the material from the Source, comprising almost the entire methodology section, was a necessary component of the project description. The Investigation Committee concluded "that it would be unlikely that the proposal would be viable if the plagiarized sections were omitted"²⁹ and, therefore, the plagiarism was definitely intentional.

Based on the evidence, the Investigation Committee concluded that by a preponderance of the evidence the Subject had intentionally committed plagiarism in the Proposal and that the Subject's actions were a significant departure from the practices of the relevant research community. The Provost analyzed the evidence and the Investigation Committee's recommendation and concurred with its assessment.³⁰ In accordance with the University policy, the evidence was then forwarded to the University Deciding Official³¹ to make the final ruling. The University Deciding Official analyzed the findings and concurred with the conclusions.³²

The University's Final Determination

A hearing was held by the Tenure and Promotion Committee, which included the Subject by teleconference, regarding recommendations for appropriate sanctions. The University's Deciding Official accepted the recommendations³³ which included:

1. The Subject will be placed on leave without pay for one semester;
2. The Subject will be prohibited from supervising, advising, and participating in student research programs for one year;
3. The Subject will be prohibited from submitting research proposals through any internal or external funding source for two years; and
4. Afterwards, the Subject will be allowed to submit internal and external research proposals which must be reviewed by a university committee for two years.

OIG's Assessment

We notified the Subject that we had received the Investigation Committee's report and offered him the opportunity to respond with any additional comments.³⁴ The Subject responded by letter notifying us he requested a hearing to explain how he "committed unintended

²⁷ Tab 14, page 4.

²⁸ Tab 14, page 3.

²⁹ Tab 14, page 2.

³⁰ Tab 15-University letter to OIG, April 1, 2008.

³¹ The University Chancellor.

³² Tab 15, page 3.

³³ Tab 16-University Deciding Official's letter to Subject.

³⁴ Tab 17-OIG letter to Subject to respond to University Investigation Report.

plagiarism."³⁵ The Subject apologized for his actions and reiterated his belief that the plagiarism was unintentional:

I did include materials I had access to from [the author of the Source]. I legally obtained this and 29 other successful NSF proposals directly from the PIs I did not cite [the author] in my proposal because my intent was first of all to obtain via the internet [the author's] most recent published information similar to the content in her proposal. I found no such published literature, and because I knew that NSF scrutinizes proposals from recent Program Directors for 'compliance issues,' I removed all of the 'plagiarized materials,' read the entire document on screen, and 'saved' the new version

So what appears to be a deliberate act of research misconduct was due to sloppy editing and time constraints on my part. However, this is plagiarism none-the-less, and I assume full responsibility for not following convention. I am guilty as charged, inadvertent or not, and I apologize to the community of scholars of [the University], and NSF for the negative attention and sense of shame that my actions have caused. I have already apologized in person to . . . my named co-PI who did not participate in any aspect of the proposal preparation. I realize that acts of plagiarism undo and overshadow all of the positive accomplishments that I have accumulated over the years and now I am prepared to live with this negative attribute for the rest of my life.³⁶

We reviewed the Investigation Committee's report and the conclusions by the Deciding Official. We determined that the Investigation Committee's investigation was accurate and complete in accordance with reasonable procedures.³⁷

A finding of misconduct requires that (1) there be a significant departure from accepted practices of the relevant research community, (2) the research misconduct be committed intentionally, or knowingly, or recklessly, and (3) the allegation be proven by a preponderance of the evidence.³⁸

³⁵ Tab 18-Subject response to OIG regarding University Investigation Report.

³⁶ Tab 31, pages 1 and 2.

³⁷ 45 C.F.R. § 689.9(a).

³⁸ 45 C.F.R. § 689.2(c).

The Act

The Subject admitted to copying the identified text from the Source, an awarded NSF proposal, without attribution,³⁹ claiming that his plagiarism was unintentional. He explained that he submitted the incorrect version of the Proposal and did not intentionally submit a proposal that contained plagiarized text. However, the Investigation Committee did not find this explanation credible and neither do we.

The Subject copied 185 lines of text from the Source to describe the methodology for his proposed research, which covered 5 pages of the 15-page project description. In copying such large sections of contiguous text from the Source, the Subject also copied the ideas that the text described, thus also committing intellectual theft. Therefore, we concur with the Investigation Committee's assessment that the Subject's copying meets the definition of plagiarism.

Intent

The Subject has reiterated that his actions of research misconduct were not deliberate and that he "committed unintended plagiarism."⁴⁰ Again, we concur with the Investigation Committee that the subject's explanation is not credible.

The explanation is not credible for several reasons, as pointed out in the University Investigation Report: 1) side-by-side comparisons of the Proposal and Source reveal words changed throughout the copied sections from "we will" to "I will" that present the copied material as the work of the Subject; 2) references citing the author of the Source were deleted from the copied sections; 3) the subject matter of the copied material was in a field of study in which the Subject had limited expertise; and 4) the material from the copied sections constituted a substantial part of the Proposal and was necessary to the cohesion of the proposed project.⁴¹

The Investigation Committee concluded the evidence supports a conclusion that the subject acted intentionally. We concur.

Standard of Proof

The preponderance of the evidence shows that the Subject intentionally copied 185 lines from the Source, an awarded NSF proposal, which is a significant departure from accepted practices in the relevant research community. Therefore, we conclude that the Subject's actions meet the definition of plagiarism and his actions constitute research misconduct.

OIG's Recommended Disposition

When deciding what appropriate action to take upon a finding of misconduct, NSF must consider:

³⁹ Tab 10, page 1 and Tab 12, page 1.

⁴⁰ Tab 17, page 1.

⁴¹ Tab 14, page 3.

(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.⁴²

Seriousness

The Subject's proposal contained 185 lines of copied text (approximately 5 pages of the 15 page project description) from an awarded NSF proposal, which is a significant amount of copied text. In addition, his submission of a proposal containing plagiarized material subjected his innocent CoPI to unwarranted suspicion.

The Subject's plagiarism is rendered more serious by the fact that he identified the Source author's work while he was carrying out confidential merit review as an NSF program officer. While awarded proposals are available through FOIA requests or from the authors, the Subject—solely because of his NSF position—was able to determine precisely which proposal he was interested in, ostensibly for his book.

Degree to which the Act was Intentional (Purposeful)

As described above, the plagiarism by the Subject was intentional and not merely knowing. The Subject identified the Source as an example of best practices while he was a program officer at NSF. He copied large portions of the methodology into his proposal and selectively edited single words to designate the work as his own (e.g., changing "we will" as in the Source to "I will" in the Proposal). In addition, he removed citations to references published by the author of the Source from the copied sections, and the copied material covered almost one third (5 of 15 pages) of the project description explaining the methodology in the proposed project.

In addition, as an NSF program officer, the Subject was required to attend NSF's Program Management Seminar which included a session on research misconduct and handling allegations. At that Seminar, the subject was informed that, as an NSF program officer, he was responsible for reporting to OIG any allegations of misconduct involving proposals submitted for funding.⁴³ Therefore, the Subject was well-informed about NSF's standards for research integrity and misconduct, and knew that plagiarism was a significant departure from the accepted practices of his research community.

Based on the Subject's clear awareness of ethical standards, his efforts in identifying the best awarded NSF proposal related to his research and then meticulously editing the text from that proposal into his own proposal, we conclude that the Subject acted with the very highest degree of intentionality.

⁴² 45 C.F.R. 689.3(b)

⁴³ PAM X.D.1; PER I-143.

Pattern of Behavior

There was no evidence of other acts of plagiarism by the Subject and, therefore, his actions do not appear as part of a larger pattern of behavior.

Impact on the Research Record

The evidence shows no impact on the published research record.

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

The Subject was given the opportunity to respond to the NSF draft investigation report; however, the Subject declined to respond and stated that he was "not participating any further in this investigation."⁴⁴ Therefore, the findings and recommendations for the final investigation report were not changed from the draft investigation report.

Recommendations

Based on the evidence, OIG recommends that NSF:

- send a letter of reprimand to the Subject informing him that NSF has made a finding of research misconduct;⁴⁵
- debar the Subject for 2 years from the date of NSF's finding;⁴⁶
- require the Subject to provide to the Associate Inspector General for Investigations (AIGI) certification of completion of research ethics training prescribed by the University before submitting any proposals to NSF on which he is the PI or CoPI;⁴⁷
- require the Subject to certify to the AIGI, each time he submits a proposal or report to the NSF, that the proposal or report does not contain plagiarized, fabricated, or falsified material, for 5 years following the 2 year debarment;⁴⁸
- require the Subject to submit assurances by a responsible official of his employer to the AIGI, each time he submits a proposal or report to the NSF, that the proposal or report does not contain plagiarized, fabricated, or falsified material, for 5 years following the 2 year debarment;⁴⁹ and

⁴⁴ Tab 19-Subject response to Draft ROI

⁴⁵ This is a Group I action 45 C.F.R. §689.3(a)(1).

⁴⁶ This is a Group III action 45 C.F.R. §689.3(a)(3).

⁴⁷ This is equivalent to a Group I action 45 C.F.R. §689.3(a)(1).

⁴⁸ This is equivalent to a Group I action 45 C.F.R. §689.3(a)(1).

⁴⁹ This is a Group I action 45 C.F.R. §689.3(a)(1).

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- bar the Subject from serving as a NSF reviewer, advisor, or consultant for a period of 5 years.⁵⁰

⁵⁰ This is a Group III action 45 C.F.R. §689.3(a)(3).