

NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A07120063

Page 1 of 1

NSF OIG received an allegation that an NSF proposal,¹ submitted by a PI² and two Co-PIs,³ contained plagiarism. Our inquiry determined that the PI was alone responsible for the alleged plagiarism.

We referred the matter to the University.⁴ The University concluded, based on a preponderance of the evidence, that the PI intentionally and knowingly committed plagiarism, deemed a significant departure from accepted practices. The University required the PI to submit his work to University officials for plagiarism review for 3 years; to complete an ethics course; to notify the University at which he wrote his dissertation and a journal editor of an article he wrote that both contained plagiarism; and to be made aware that any future misconduct will result in dismissal from the University.

We concurred with the University report and concluded, based on a preponderance of the evidence, that the PI knowingly plagiarized, which we deemed a significant departure from accepted practices.

We recommended that NSF: 1) make a finding of research misconduct against the PI; 2) send the PI a letter of reprimand; 3) require certifications from the PI for a period of 2 years; 4) require assurances from a responsible official of the PI's employer for a period of 2 years; and 5) require certification of attending an ethics class within 1 year. The Deputy Director accepted our recommendations.

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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[Redacted content]

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DEPUTY DIRECTOR

JUL 29 2009

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

[REDACTED]

Re: Notice of Research Misconduct Determination

Dear [REDACTED]

In 2007, you submitted a proposal to the National Science Foundation ("NSF") entitled,

[REDACTED]

[REDACTED] As documented in the attached Investigative Report prepared by NSF's Office of Inspector General ("OIG"), this proposal contained plagiarized text and embedded references.

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 proposal contained verbatim and paraphrased text, as well as several embedded references, copied from two source documents. By submitting a proposal to NSF that copied 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, NSF has determined that, based on a preponderance of the evidence, your plagiarism was committed knowingly and constituted a significant departure from accepted practices of the relevant research community. I am, therefore, issuing a finding of research misconduct against you.

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

In determining the severity of the sanction to impose for research misconduct, I have considered the seriousness of the misconduct, our determination that it was committed knowingly, as well as our determination that it was part of a pattern of plagiarism. I have also considered the fact that your misconduct had no impact on the research record, the fact that you displayed contrition for your actions, as well as other relevant circumstances. 45 CFR § 689.3(b).

After assessing the relevant facts and circumstances of this case, I am taking the following actions against you:

- (1) Until July 31, 2011, 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 July 31, 2011, 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; and
- (3) You must certify to the OIG that you have completed a research ethics training course on plagiarism by July 31, 2010.

All certifications and assurances should be submitted in writing to OIG, Associate

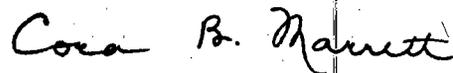
Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia 22230.

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,

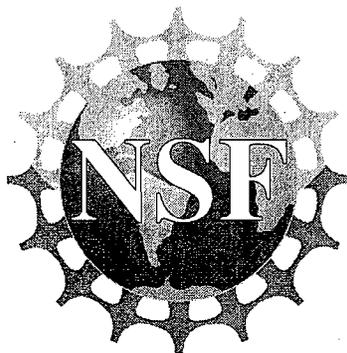


Cora B. Marrett
Acting Deputy Director

Enclosures

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

National Science Foundation Office of Inspector General



Confidential Report of Investigation Case Number A-07120063

31 March 2009

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: Plagiarism.

OIG Inquiry: OIG identified 2 sources from which approximately 73 unique lines and 23 embedded references were apparently copied into 1 declined NSF proposal. OIG referred the matter to the PI's University.

**University
Investigation
and Action:**

The Investigation Committee's Report concluded, based on a preponderance of the evidence, that the PI intentionally and knowingly committed plagiarism in the NSF proposal, which it deemed a significant departure from accepted practices. The Investigation Committee also determined the Subject's dissertation and an article published by the Subject contained plagiarized text.

The Deciding Official imposed the following sanctions: 1) The Subject must submit his work to University officials for plagiarism review for 3 years; 2) The Subject must complete a Responsible Conduct of Research course; 3) The Subject must notify the Research Integrity Officer at the University at which he wrote his dissertation and the journal editor of an article he wrote that both contained plagiarism; and 4) The Subject must be made aware that any future misconduct will result in dismissal from the University.

OIG Assessment: OIG concurs with University assessment.

- **The Act:** The Subject committed plagiarism in one proposal.
- **Intent:** The Subject acted knowingly.
- **Standard of Proof:** A preponderance of evidence supports the conclusion that the Subject committed plagiarism.
- **Significant Departure:** The Subject's plagiarism represents a significant departure from accepted practices.
- **Pattern:** The PI's dissertation and a journal article he authored also contain plagiarism.

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 year.
- Require assurances from the Subject for a period of 2 year.
- Require certification of completion of a course in research ethics within a year.

OIG's Inquiry

The National Science Foundation (NSF) Office of Inspector General (OIG) received an allegation that an NSF proposal (Proposal¹) written by a PI² and two Co-PIs³ contained plagiarism. Our analysis identified approximately 30 unique lines of continuous text and 7 embedded references from a journal article (Source A).⁴

OIG contacted the PI and Co-PIs about the allegation.⁵ Each provided individual responses naming the PI solely responsible for the annotated text.⁶

In his response, the PI accepted responsibility stating, "... I want to clarify that the text identified as copied was written solely by me, while the Co-PIs Dr. [] and Dr. [] did not know anything about it."⁷ The PI explained the Proposal was his first NSF proposal. He was to write the Background section, but with the deadline approaching, he "copied some text . . . into the Background part of [his] draft proposal, intending to use the text as a guidance to write [his] own."⁸ The text copied came from Source A and a second journal article the PI identified (Source B).⁹

However, it turned out that I did not have the time to rewrite the background in my own words if I wanted to catch the deadline. . . . Then I have to decide whether just use Dr. []'s text or not submit the proposal. I did not want to quit submission since I would have to wait for another half year. Also, the co-PIs had already put in a lot of efforts and I did not want to tell them that I wanted to quit. I thought that would disappoint them. So I decided to use the text. . . .¹⁰

The PI said he then added citations to the two papers, but the "citations must have disappeared accidentally,"¹¹ because, as one who is still learning the Cross-reference function of Microsoft Word, he "deleted all error messages to clean up the document, without checking if [he] had totally lost any important citations."¹²

I certainly wouldn't do things like this in publications because it is not allowed to repeat so much text written by others, but I thought proposals were not publications and the text was summary material rather than

¹ Tab 1: [REDACTED]
[REDACTED] (Declined).

² [REDACTED]

³ [REDACTED]

⁴ Tab 2. [REDACTED]

⁵ Tab 3 contains our inquiry letters to the PI and Co-PIs.

⁶ Tab 4: contains the PI and Co-PI's individual responses to our inquiry letter.

⁷ Tab 4, pg 3.

⁸ Tab 4, pg 4.

⁹ Tab 4, pg 15-53.

¹⁰ Tab 4, pg 4.

¹¹ Tab 4, pg 4.

¹² Tab 4, pg 4.

original results or ideas, so I regarded copying so much text as improper but I did not realize that it is not allowed.¹³

In conclusion, the PI wrote:

I am very sorry for making such a big mistake. This is a big lesson for me at just the beginning of my career. These days I have been thinking about this issue very seriously, and I realized that it happened due to my careless mind on scientific ethics and my eagerness for quick success in my early career. . . . I feel very sorry and I will and should accept the penalty that I deserve.¹⁴

The Subject's response did not dispel the allegation because the Subject acknowledged having copied material into the Proposal.

OIG reviewed Source B and identified 43 lines of text and 16 embedded references without proper attribution.¹⁵ The following chart summarizes the total allegedly copied text in the Proposal:

Source	Proposal 1 (Declined)
A	30 lines 7 embedded references
B	43 lines 16 embedded references
Total (Unique)	73 lines; 23 embedded references

The allegedly copied material appeared within 3 sections¹⁶ of the Proposal's Background section.

We concluded there was sufficient evidence to proceed with an investigation, and referred the matter to the University.¹⁷

University Inquiry and Investigation

Consistent with University policy,¹⁸ the Associate Vice President for Research (AVPR)¹⁹ contacted the PI, who agreed to waive a University inquiry. The AVPR appointed an Investigation Committee (Committee).

The Committee examined documents NSF provided and documents they identified (e.g., Proposal drafts); reviewed emails between the PI and co-PIs; interviewed the PI; and posed written questions to the PI and co-PIs.²⁰

¹³ Tab 4, pg 4.

¹⁴ Tab 4, pg 6.

¹⁵ Tab 5 contains the re-annotated Proposal; Tab 6 contains annotated Source B.

¹⁶ Sections 3.1, 3.2, and 3.3 (Tab 5).

¹⁷ [REDACTED] Tab 7 contains the Investigation Referral Letter.

¹⁸ Tab 8.

¹⁹ [REDACTED]

²⁰ Tab 9, pg 4.

The Committee sought our assistance in examining for plagiarism additional documents²¹ the PI wrote.²² One published journal article²³ contained 26 lines and 6 embedded references allegedly copied from 3 sources;²⁴ the Subject's dissertation²⁵ contained 32 lines and 6 embedded references allegedly copied from 4 sources.²⁶ We provided the University with the annotated documents and sources.²⁷

The Committee produced a Majority Report,²⁸ a Minority Report,²⁹ and a Response to the Minority Report (the Reports).³⁰ In its Majority Report, the Committee determined "a preponderance of the evidence proves that [the PI] committed plagiarism as defined by NSF's regulations,"³¹ and that he did so "intentionally and knowingly . . . by including text from other sources in an NSF proposal without proper attribution and . . . represent[ing] it as his own work."³² It stated "the plagiarism constituted a significant departure from accepted practices of faculty at [] University and the wider academic community."³³ It also found a pattern of behavior based on "the present instance of plagiarism" and the "previous cases revealed in the NSF scan."³⁴

In its Majority Report, the Committee "construed the question" of "whether the plagiarism was committed intentionally" as "did [the PI] intend to take each of the steps that constitute the offense of plagiarism?"³⁵ It found that "According to [the PI] himself, he knew that his actions were improper and he made a deliberate decision to include the Copied Text in the Proposal."³⁶ The Committee found "no documentary evidence to confirm or disprove [the PI]'s claim that [Source A] was referenced and that that citation was subsequently and inadvertently deleted."³⁷ The Committee concluded the plagiarism "did not have a significant impact on the research record, research subjects or the public welfare," as the copied material constituted "background sections of an unsuccessful, confidential proposal."³⁸

In response to the Majority Report, one Committee member³⁹ wrote a Minority Report because she "disagree[d] with the rest of the committee on some of the key conclusions of the

²¹ We received 18 documents, which included 4 proposals, 1 dissertation, 8 journal articles, and 5 conference papers. Of the 18 documents, 3 were NSF proposals we had already examined.

²² The Committee lacked an efficient electronic means of plagiarism identification.

²³ Tab 10, file named "Journal article.pdf." The article is from the [REDACTED]

²⁴ Tab 10, Sources AA, BB, and CC.

²⁵ Tab 10, file named "dissertation.pdf." The Subject's dissertation was written at the [REDACTED]

²⁶ Tab 10, Sources AA, BB, CC, and DD. We note the PI included identical text and references from Sources AA, BB, and CC in the two documents in which OIG identified allegedly plagiarized text.

²⁷ Tab 10, file named "Letter to U.pdf."

²⁸ Tab 9, pg 2-12.

²⁹ Tab 9, pg 13-18.

³⁰ Tab 9, pg. 19-21.

³¹ Tab 9, pg 8.

³² Tab 9, pg 8.

³³ Tab 9, pg 8.

³⁴ Tab 9, pg 8.

³⁵ Tab 9, pg 8.

³⁶ Tab 9, pg 9.

³⁷ Tab 9, pg 6. Regardless, "the extent of the verbatim copying" would have constituted plagiarism even had citations been included as the PI claimed (Tab 9, pg 9).

³⁸ Tab 9, pg 9.

³⁹ [REDACTED]

investigation,” and “[had] serious concerns about the integrity and fairness of the investigation process.”⁴⁰ Specifically, she argues the plagiarism was not committed intentionally⁴¹ because the PI did not have a clear understanding of plagiarism, had never “taken a technical writing course in English in the US,”⁴² and the PI “came to the US in 2002 from a different educational and cultural background.”⁴³ “Therefore,” she wrote, “it is my judgment that he never intended to deceive or misrepresent himself.”⁴⁴ The member criticized the investigative process as being prosecution oriented, lacking the safeguards of the jury trial system, and insufficiently attentive to the need of encouraging the Subject to seek legal counsel.⁴⁵

In their Response to the Minority Report,⁴⁶ other Committee members reiterated their conclusion regarding the PI’s level of intent. They also argued that “[the PI] himself never contended that his cultural background played any role in his actions.”⁴⁷ With regard to the investigative process, the other members noted the administrative, non-adversarial nature of the proceedings, the extensive meeting and discussion history of the Committee and its thorough consideration of the dissenting member’s views, and the instances in which the Subject had been advised of his right to consult others.⁴⁸

Subject’s Response to Investigation Reports

The University provided the Subject with the Reports. The PI again explained:

At the time I wrote the proposal, I did intend to take each of the steps, and I was aware that I was copying text written by others. However, I was not aware that what I had done is plagiarism, and I only viewed my act as a compromise of my best practice.”⁴⁹

He attributes the misunderstanding to his educational history and cultural background.

When I was a master student at []⁵⁰ University, many students copied introductory text from thesis of graduated students into their own thesis, and nobody regarded that as plagiarism.⁵¹

University Adjudication

The Deciding Official (DO)⁵² reviewed the Reports and the PI’s response, and “agree[d] completely with the assessment of the investigation committee that the plagiarism you have

⁴⁰ Tab 9, pg 13.

⁴¹ Tab 9, pg 14.

⁴² Tab 9, pg 15.

⁴³ Tab 9, pg 17.

⁴⁴ Tab 9, pg 16.

⁴⁵ Tab 9, pg 16-18.

⁴⁶ Tab 9, pg 19-21.

⁴⁷ Tab 9, pg 20.

⁴⁸ Tab 9, pg 20-21.

⁴⁹ Tab 11, pg 2.

⁵⁰ [REDACTED]

⁵¹ Tab 11, pg 3.

⁵² [REDACTED]

committed is serious in that it calls to question your understanding of, and ability to interpret the literature in the context of your own original ideas.⁵³ The DO imposed the following sanctions:⁵⁴

- The PI must submit his work for plagiarism review for 3 years;
- The PI must take a course in Responsible Conduct of Research;
- The PI must inform the Research Integrity Officer at the University at which he wrote his dissertation⁵⁵ and the editor of the journal in which his article appeared that both contained plagiarized material;⁵⁶ and
- The Subject was informed that any future misconduct will result in dismissal from the University.

OIG's Assessment

The University provided OIG with the Reports and attachments.⁵⁷ OIG reviewed the Reports and concludes the University followed reasonable procedures and produced an accurate and complete body of evidence addressing the allegation. OIG therefore accepts the University's conclusions based on the Majority Report and its evidentiary record in lieu of conducting our own investigation.

We informed the PI we had received the Reports and attachments and invited him to provide additional comment.⁵⁸ The PI chose not to respond.

A finding of research misconduct by NSF requires (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 proved by a preponderance of the evidence.⁵⁹

The Act

The PI plagiarized 73 unique lines and 23 embedded references from 2 sources within 1 declined NSF proposal. The PI acknowledged he copied the material, stating he typed the material verbatim into the Proposal but did not have and/or take the time to attribute the material due to, among other reasons, the impending deadline.

OIG concurs with the Committee that the PI significantly departed from the accepted standards of the research community in presenting almost all of the Proposal's Background section as his own work rather than as text written by others. Further, his inclusion of 23 embedded references misrepresented his own effort and underlying body of knowledge, thereby presenting reviewers with an incorrect measure of his expertise within his discipline.

⁵³ Tab 11, pg 5.

⁵⁴ Tab 11, 5-6.

⁵⁵ [REDACTED]

⁵⁶ [REDACTED]

⁵⁷ Tabs 9 and 11.

⁵⁸ Tab 12.

⁵⁹ 45 C.F.R. §689.2(c).

Intent

OIG concludes the PI acted knowingly. The PI acknowledged he made a conscious decision to proceed in this manner rather than upset his Co-PIs and not submit the Proposal. In doing so, he knowingly committed an act that put his Co-PIs' reputations as well as his own reputation at risk.

Standard of Proof

OIG concurs with the Committee that the Subject's actions and intent were proven based on a preponderance of the evidence.

OIG concludes the Subject, by a preponderance of the evidence, knowingly plagiarized, thereby committing an act of research misconduct.⁶⁰

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.⁶¹

Seriousness

The PI's actions are a violation of the standards of scholarship and of the fundamental tenets of research ethics. The extent of the plagiarism – approximately 73 unique lines and 23 embedded references within 1 declined NSF proposal from 2 sources – is itself serious.

Degree to which Action was Knowing

The act of plagiarism is generally an act done knowingly. In submitting the NSF proposal, the Subject acknowledged he knew he copied text and embedded references without attribution. He explained that he chose to do so to ensure timely submission of the Proposal.

Additionally, although the Subject received his bachelor's degree in another country,⁶² he received his master's degree and Ph.D. in the U.S.⁶³ All of the publications listed on the PI's Biographical Sketch were written for English language publications, many of which were U.S.-based publications.⁶⁴ As such, it is reasonable to expect that he is knowledgeable in correct citation practice and consciously chose to ignore these standards.

Pattern

Additional plagiarism was identified in the PI's dissertation and a journal article. OIG therefore concludes the PI exhibited a pattern of plagiarism.

⁶⁰ 45 C.F.R. part 689.

⁶¹ 45 C.F.R. § 689.3(b).

⁶² [REDACTED]

⁶³ [REDACTED]

⁶⁴ Tab 13.

The Subject's Response to Draft Investigation Report

OIG provided the Subject with a copy of our draft report and attachments, and afforded him the opportunity to comment.⁶⁵ In his response,⁶⁶ the Subject corrected our assessment of his educational experience.⁶⁷ Specifically, he said, while he did receive a master's degree in the U.S., that degree "was a dual degree and was a non-thesis degree." It was during his first master's degree from a non-U.S. institution where "all of my practices and scientific writing started." He added:

I did not receive a formal training on research ethics at []⁶⁸ as a master student, nor did I at the University []⁶⁹ as a Ph.D. student. For these reasons, my knowledge of plagiarism was very poor at the time I wrote the NSF proposal. As I stated a few times in my previous responses to the []⁷⁰ Investigation Committee, I did know that copying introductory text was not the best practice, but I did not know that kind of act is plagiarism.

After assessing the Subject's response to our draft report, our conclusions and recommendations remain identical to those of the draft report. While we acknowledge the Subject did begin his academic journey at a non-U.S. institution, we maintain the Subject knew he copied material without attribution, which he himself said, he chose to do to ensure timely submission of the Proposal. Similarly, we maintain that since all of the publications listed on the PI's Biographical Sketch were written for English language publications, many of which were U.S.-based publications, it is reasonable to expect that he is knowledgeable in correct citation practice and consciously chose to ignore these standards.

Recommendation

Based on the evidence, OIG recommends that NSF:

- send a letter of reprimand to the Subject informing him that NSF has made a finding of research misconduct;⁷¹
- require the Subject to certify to OIG's Associate Inspector General for Investigations (AIGI) that proposals or reports he submits to NSF do not contain plagiarized material for 2 years from the date of the research misconduct finding;⁷²
- require that the Subject submit assurances by a responsible official of his employer to AIGI, OIG, that any proposals or reports submitted by the subject to NSF do not

⁶⁵ Tab 14.

⁶⁶ Tab 15.

⁶⁷ Our assessment is in the section entitled "Degree to which Action was Knowing."

⁶⁸ [REDACTED]

⁶⁹ [REDACTED]

⁷⁰ [REDACTED]

⁷¹ A letter of reprimand is a Group I action (45 C.F.R. §689.3(a)(1)(i)).

⁷² Certification by an individual is authorized in 45 C.F.R. §689.3(c).

contain plagiarized material for 2 years from the date of the research misconduct finding;⁷³ and

- Require certification of completion of a course in research ethics be submitted to AIGI within a year of the research misconduct finding.

⁷³ Requirement for assurances is a Group I action (45 C.F.R. §689.3(a)(1)(iii)).