NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

# CLOSEOUT MEMORANDUM

**Case Number: A07120064**



Our inquiry determined that an allegation of plagiarism in an NSF proposal[1] submitted by the PI (subject)[2] appeared to be substantive. The Institution[3] concluded that the PI plagiarized materials. The Institution concluded the subject's actions were research misconduct. We concurred with the Institution and recommended NSF make a finding of research misconduct.

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

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1 [redacted]

2 [redacted]

3 [redacted]

# National Science Foundation
# Office of Inspector General

# Confidential
# Report of Investigation
# Case Number A07120064
# February 22, 2010

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:**

- An unfunded NSF proposal contained text copied from multiple source documents.
- We referred the allegation to the Subject's Institution for investigation.

**Institution Investigation and Actions:**

- The Institution's inquiry determined the PI on the NSF proposal was responsible for the copied text.
- Based on its investigation, the Institution concluded a preponderance of the evidence proved the Subject acted recklessly when he plagiarized the text in the NSF proposal.
- Consequently, the Institution:
  - reprimanded the Subject;
  - required the Subject to complete an institutional online ethics training;
  - prohibited the Subject from submitting proposals either as PI or co-PI for external funding for one year;
  - required the Subject to recuse himself from participation as a reviewer in the federal grants process for two years; and
  - deemed the Subject ineligible to receive a merit pay increase for one year.

**OIG Assessment:**

We concur with the Institution that the Subject plagiarized text into one NSF proposal.

The Act: The Subject plagiarized a total of 104 lines of text into an NSF proposal.

Intent: We determined that the Subject acted knowingly.

Standard of Proof: The preponderance of the evidence supports the conclusion that the Subject knowingly plagiarized these materials into his NSF proposal.

Significant Departure: We concur with the Institution in concluding the Subject's copying represents a significant departure from community standards.

**OIG Recommendations:**

- Send a letter of reprimand to the Subject informing him that NSF has made a finding of research misconduct;
- Require the Subject to certify any proposals he submits to NSF for a period of 2 years contain no plagiarized, falsified, or fabricated material; and
- Direct the Subject to provide verification of his completion of the ethics course he was required to take by the Institution within one year.

OIG's Inquiry

Our analysis of the NSF proposal,[1] submitted by the PI[2] and 4 co-PIs revealed about 104 lines of text apparently copied from 4 source documents.[3] We initiated our inquiry by writing to each of the five investigators on the proposal (Tab A).

After reviewing the individual responses (Tab A), it appeared that the Subject was likely the individual who copied the text into the proposal. In the Subject's response, he admitted to copying the materials from three of the four source documents and explained that the fourth source document was his own file, and he was not aware that the material in the fourth source should have been cited. Further, he said he was

> very embarrassed to say that due to the rush to beat a 5PM CST deadline on January 25, 2007, a draft copy of the proposal (that was incomplete and not properly edited and cited) had been inadvertently submitted to the MRI program last year. In fact, the proposal has already been returned to us by NSF last April without review because of its major deficiencies . . .[4]

Since the Subject's response did not dispel the allegation, we determined there was sufficient substance to warrant an investigation, and referred the investigation to the Subject's and co-PIs' Institution (Tab B).

*Institution's Investigation*

The Institution, following its Policy[5], opened 5 separate inquires to determine if sufficient evidence existed to warrant an investigation against any of the investigators listed on the proposal. The Inquiry Committees found no evidence of research misconduct by the 4 co-PIs,[6] but determined there was sufficient evidence to warrant an investigation of possible research misconduct by the Subject.[7]

The Investigation Committee's Report[8] (the Report) outlined its process, which included analyzing additional material written by the Subject for possible plagiarism as well as interviewing the Subject.[9] During the investigative interview, the Subject

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[1] [redacted].

[2] [redacted]

[3] Source documents include three web pages and one conference abstract.

[4] Tab A, Response from the Subject.

[5] Tab C, Institution Policy and Procedures.

[6] Tab C, Enclosures 3-6.

[7] Tab C, Enclosures 7 and 12.

[8] Tab C, Enclosure 14.

[9] [redacted]

> acknowledged that he had written around ten proposals. Although he received no formal training in proposal preparation he said he understood the NSF policy that a proposal be cited like a manuscript and that he understood what constituted plagiarism." [10]

He claimed he had a great deal of other work to do when he was preparing the proposal and, consequently, did not get to work on the proposal until a few days before the NSF submission deadline. He further stated that "despite having used Fastlane previously he underestimated the difficulty in putting together a multi-PI proposal."[11] Finally, he said his plan was to quote some of the materials he copied and edit the remaining materials. However, the Committee noted that

> since the bulk of the introduction consists of copied material, simply adding quotation marks and citations would have seriously weakened the proposal. As it stands the introduction makes a strong case for funding it. With quote marks and no other editing, the material would no longer be plagiarized but would have revealed that the PI had contributed little intellectual content to the introduction. In that case the NSF reviewers were likely to have rejected the proposal as lacking in novelty and/or originality.[12]

The Committee concluded the preponderance of the evidence supported a conclusion that: 1) the Subject committed plagiarism, which was a significant departure from the accepted practices, and 2) the actions of the Subject were reckless.[13] The Committee further commented that some of the evidence suggested that the Subject's actions were intentional; however, the evidence was not adequate enough to meet the preponderance standard.[14]

Finally, the Committee noted that none of the versions of the proposal it reviewed contained references to the copied materials; however, based on its review of other materials, it concluded that the Subject's action was an isolated event, and hence there was no pattern. The Committee also assessed possible mitigating factors, finding none that were significant.[15]

After reviewing the Report, the Subject requested that the Committee reconsider its conclusions and recommendations. The Committee reviewed the Subject's comments, questions, and criticisms, made a few corrections, but made no substantive changes to the Report, which it forwarded to the adjudicator.[16] The adjudicator[17] notified the Subject and provided him with a final copy of the Report.[18] The Subject appealed the research misconduct finding.[19] However,

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[10] Tab C, Enclosure 14, page 3.
[11] Tab C, Enclosure 14, page 3
[12] Tab C, Enclosure 14, page 5.
[13] Tab C, Enclosure 14, page 5.
[14] Tab C, Enclosure 14, page 5.
[15] Tab C, Enclosure 14, page 6.
[16] Tab C, Enclosure 14[redacted].
[17] [redacted]
[18] Tab C, Enclosure 15.
[19] Tab C, Enclosure 16.

the appeal was denied by the adjudicator.[20] The adjudicating official invoked the following actions against the Subject:

1. You may not be permitted to submit proposals or be included as a co-investigator on proposals for external funding for a period of one year ending on March 6, 2010.
2. You are to recuse yourself from participation as a reviewer in the Federal grant process for a period of two years ending on March 6, 2011.
3. You will not be eligible for a merit pay increase for a period of one year ending on March 6, 2010.
4. You are required to complete CITI on-line training on responsible conduct of research within 3 months of receipt of this letter.[21]

*OIG's Assessment*

Upon receiving the Report, we wrote the Subject informing him of our independent investigation and asked if he had additional comments concerning the Report.[22] The Subject's response included the information he used in his appeal to the University.[23] We evaluated the Report and accept it as accurate and complete, and we conclude the Institution followed reasonable procedures in its investigation. The Committee was thorough in assessing the evidence and fair in its evaluation. The only aspect of the Institution's investigation that we do not agree with is its determination of the level of intent with which the Subject acted. We discuss our conclusions below.

NSF's Research Misconduct Regulation states that a finding of misconduct requires:

> (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 the evidence. [45 CFR § 689.2(c)]

*The Act*

Through the Subject's admission and the Institution's investigation, we determined the Subject copied verbatim text, totaling 104 lines into an unfunded NSF proposal, without proper attribution. None of the 4 source documents appear as references in the proposal. The total amount of copied material represents about 2 pages of text in the introduction.

[20] Tab C, Enclosure 17.
[21] Tab C, Enclosure 18. The CITI Program is a subscription service providing research ethics education to all members of the research community.
[22] Tab D
[23] Tab E

*Intent*

During the investigation, the Subject indicated he understood the standards and expectations related to the preparation of an NSF proposal, and he understood what constitutes plagiarism. He also indicated that this was not the first NSF proposal he submitted; rather, he had submitted 10 prior NSF proposals over the past 10 years.[24] We conclude, therefore, the Subject had both experience in writing and submitting proposals and an understanding of NSF's expectations.

Further, although the Subject's native language is not English, he received both his master's and doctorate at well-known Universities in the U.S.[25] and, therefore, could reasonably be expected to have background in U.S. research citation practices. Based on our review of the evidence, his self-professed understanding of NSF expectations and his experience writing and submitting NSF proposals, we conclude the Subject knowingly copied the text into his NSF proposal.

*Standard of Proof*

Based on our review and the review of the Institution's investigation committee, we concluded that the preponderance of the evidence indicates that the Subject copied text into his proposal without appropriately distinguishing that text from his own work. Further, OIG concludes, as did the Committee, that the Subject's behavior deviates from accepted practices.[26]

Because the preponderance of the evidence proves that the Subjects knowingly copied text into an NSF proposal, OIG concludes that the Subject's actions constitute plagiarism and therefore research misconduct.

*Subject's Response*

We wrote to the Subject on December 2, 2009, seeking his response to our draft investigation report (Tab F). In his reply (Tab G), the Subject again asserted the same concerns expressed in his May 14, 2009, response (Tab E) to our request for comment about the Institution's Investigation report (Tab E). The subject reiterated that the Institution mistakenly and erroneously submitted a draft version of his NSF proposal. He further asserts that the Institution failed to follow its procedures when it submitted the proposal to NSF via FastLane, because it was done without his "official" permission. He previously raised this issue with the adjudicator when he appealed the Institution's Investigation report, arguing the proposal had been mistakenly submitted without his, or his co-PI's, final signatures as expected in the institution's procedures. The adjudicator denied his appeal, admitting that, although the exact procedures had

[24] The Subject's NSF PI history agrees with this statement. Of these, 4 were funded.

[25] [redacted]

[26] [redacted]

not been followed, the Subject had provided, via email, more than sufficient approval for the proposal to be submitted (Tab C, Enclosure 17: March 5, 2009, letter from the adjudicator). The adjudicator concluded that the Subject's "claim that the material in [his NSF Proposal] was only a draft erroneously submitted by the Office of Research Administration without [his] permission is not supported, and [the Subject's] appeal provides no substantive new evidence in [his] favor."[27]

We reviewed the documents and find particularly persuasive an email from the Subject expressing his appreciation that the proposal had been submitted.[28] If the proposal had been submitted erroneously one could reasonably expect to see a request for withdrawal or modification of the proposal from the institution or PI or some discussion about such an action. We could find no documentation that the Subject requested that the Institution withdraw the proposal. Furthermore, we contacted FastLane and learned that no service requests were created by the Subject, or for the proposal. Therefore there is no evidence that the Subject attempted to withdraw or make changes to the proposal at any time. Thus we conclude that there is no evidence to support that the proposal was erroneously or incorrectly submitted. Consequently, we have not changed the report based on the Subject's response.

## OIG 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. [45 C.F.R. §689.3(b)]

### *Seriousness*

Plagiarism strikes at the very heart of research integrity and is an unacceptable practice within the research community. In addition,

> 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. Serious failure to adhere to such standards can result in findings of research misconduct. NSF policies and rules on misconduct in science and engineering are discussed in *Grant Policy Manual* (GPM) Section 930 as well as in 45 CFR Part 689. [GPG section I.B. (10/2003)]

[27] Tab C, Enclosure 17, page 2.
[28] [redacted]

The Subject's actions are a violation of the standards of scholarship long established by NSF.[29]. The extent of the plagiarism is significant as is the Subject's failure to reference any of the four source documents in his proposal.

*Degree of Intent*

The act of plagiarism is generally an act done knowingly. Given the Subject's statements, his numerous submissions of NSF proposals as the PI over the past 10 years, and his publishing history, it is clear the Subject knew what NSF expected the author of the proposals to do. We concur with the Institution's Investigation Committee that the Subject's actions could be interpreted as intentional; however, the preponderance of the evidence can not support such a conclusion. However, the Subject's actions were distinctly knowing.

*Impact on the research record*

There is no evidence of any impact on the research record as a result of the plagiarism in the proposal the Subject submitted to NSF.

*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;[30]
- Require the Subject to certify that proposals he submits to NSF do not contain plagiarized, falsified, or fabricated material for 2 years;[31]
- Direct the Subject to attend a course in research ethics within 1 year of the final disposition of the case and certify to NSF's OIG that he has done so.[32]

The Subject's certifications and proof of an ethics course should be sent to the Associate Inspector General for Investigations for retention in OIG's confidential file on this matter.

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[29] As early as 1976, in the *Grants for Scientific Research,* (NSF application guide for principal investigators) NSF instructed proposal submitters that "A proposal should be self-contained and written with the care and thoroughness accorded papers prepared for publication." NSF76-38, page 2. Since that time, that concept has appeared and been expanded upon in each successive iteration of this guide. The current *Grant Proposal Guide* states that the proposal "should be prepared with the care and thoroughness of a paper submitted for publication . . . NSF expects strict adherence to he rules of paper scholarship and attribution. The responsibility for proper scholarship and attribution rests with the authors of the proposal; all parts of the proposal should be prepared with equal care for this concern. Authors other than the PI (or co-PI) should be named and acknowledged. Serious failures to adhere to such standards can result in findings of research misconduct. NSF polices and rules on research misconduct[here NSF provides the definition of research misconduct] are discussed in the AAG Chapter VII.C, as well as 45 CFR Part 689." NSF 10-01 Grant Proposal Guide I.E.3.

[30] This is a Group I actions, 45 CFR §689.3(a)(1)

[31] This is equivalent to a Group I action 45 CFR §689.3(a)(1)

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

NATIONAL SCIENCE FOUNDATION
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OFFICE OF THE
DEPUTY DIRECTOR

JUN 2 9 2010

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

*Re: Notice of Research Misconduct Determination*

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, you submitted a proposal to the National Science Foundation ("NSF") entitled, ' As documented in the attached Investigative Report prepared by NSF's Office of Inspector General ("OIG"), this proposal 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 proposal contained verbatim and paraphrased text, copied from four 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

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

Cora B. Marrett
Acting Deputy Director

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