



NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

## CLOSEOUT MEMORANDUM

Case Number: A09030014

Page 1 of 1

Our investigation determined that the Subject<sup>1</sup> recklessly plagiarized in proposals submitted to NSF. NSF made a finding of research misconduct by the Subject; sent a letter of reprimand to the Subject; required the Subject to submit certifications to the Assistant Inspector General for Investigations (AIGI) of NSF OIG for two years; prohibited the Subject from serving as a reviewer of NSF proposals for two years; and required the Subject to provide certification to the AIGI that he has completed a course on the responsible conduct of research.

This memo, the attached Report of Investigation, the letter from NSF with a finding of research misconduct, and the Director's decision in the Subject's appeal, constitute the case closeout. Accordingly, this case is closed.

<sup>1</sup> [REDACTED]

NATIONAL SCIENCE FOUNDATION  
4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DIRECTOR

OCT 18 2011

A09030014

**CERTIFIED MAIL --RETURN RECEIPT REQUESTED**

[REDACTED]

*Re: Notice of Research Misconduct Determination*

Dear [REDACTED]:

Between 2006 and 2009, you submitted three proposals to the National Science Foundation entitled, [REDACTED]

[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, copied from multiple source documents. By submitting proposals 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 recklessly 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, and our determination that it was committed recklessly. I have also considered the fact that your misconduct was part of a pattern of misconduct, and had no impact on the research record, 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 October 1, 2013, you must provide certifications to the OIG that any proposal or report you submit to NSF as a PI or co-PI does not contain plagiarized, falsified, or fabricated material;
- (2) By October 1, 2012, you must attend a training course in the responsible conduct of research, and provide a certificate of attendance to the OIG that you have completed such a course; and
- (3) Until October 1, 2013, you are prohibited from serving as a merit reviewer for NSF.

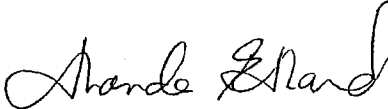
The certifications and certificate of attendance should be submitted in writing to OIG, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia 22230.

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) 292-5054.

Sincerely,



Wanda Ward  
Senior Advisor to the Director

Enclosures

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

NATIONAL SCIENCE FOUNDATION  
4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230

JAN 5 2012



OFFICE OF THE  
DIRECTOR

*Handwritten signature*

**CERTIFIED MAIL --RETURN RECEIPT REQUESTED**

[REDACTED]

*Re: Decision on Appeal of Research Misconduct Determination*

Dear [REDACTED]

On October 18, 2011, Dr. Wanda Ward, Senior Advisor to the Director, issued a Notice of Research Misconduct Determination ("Notice") against you. In this Notice, NSF: (1) required that, until October 1, 2013, you submit certifications in connection with any proposals or reports you submit to NSF; (2) prohibited you from serving as a peer reviewer of NSF proposals until October 1, 2013; and (3) mandated that, no later than October 1, 2012, you complete a course on the responsible conduct of research. On November 17, 2011, in accordance with the applicable regulations, you appealed the finding of research misconduct made against you. This letter constitutes my decision on your appeal.

In your appeal, you do not contest NSF's conclusion that you committed research misconduct. In addition, you accept NSF's decision requiring that you submit certifications for the next two years, as well as its decision prohibiting you from serving as a merit reviewer for that same timeframe.

You do, however, make two requests. First, you request that NSF allow you to participate on an upcoming panel for NSF's [REDACTED] program. You indicate that NSF has already extended an invitation to you to serve as a panelist in connection with this program. You also note that you have a high level of interest in the [REDACTED] program because of the significant impact that the program will have with respect to institutions in developing countries. Second, you request that NSF rescind the requirement that you take a training course. You explained that, prior to your tenure as a department chair and college dean, you taught a course that covered the responsible use of scientific information, including a discussion on plagiarism. Thus, you suggest that it is not necessary for you to take a training course on these topics.

After giving careful consideration to your arguments, I have decided to deny your appeal. Although NSF very much appreciates your interest and passion for the [REDACTED] program, I am not persuaded that there is sufficient justification to permit you to participate as a panelist. In addition, I do not believe that the training requirement imposed upon you by NSF should be rescinded. This requirement is consistent with the requirement imposed on all other individuals who are found to have committed plagiarism in connection with NSF-funded work. Moreover, even if the information conveyed during the training session is not new to you, it will undoubtedly serve as a good reminder of the necessary steps to take to ensure compliance with the applicable standards. Therefore, this requirement remains in effect.

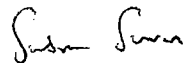
Lastly, I note that, in your appeal, you also request that NSF rescind the requirement that your current employer provide assurances to accompany any proposals or reports that you submit to NSF. NSF did not impose such a requirement upon you in its Notice. Thus, there is no need for NSF to take any action on this request.

As outlined in NSF's October 18, 2011 Notice, and in light of my decision on your appeal, the following actions remain in place against you:

- (1) Until October 1, 2013, you must provide certifications to the OIG that any proposal or report you submit to NSF as a PI or co-PI does not contain plagiarized, falsified, or fabricated material;
- (2) By October 1, 2012, you must attend a training course in the responsible conduct of research, and provide a certificate of attendance to the OIG that you have completed such a course; and
- (3) Until October 1, 2013, you are prohibited from serving as a merit reviewer for NSF.

This is NSF's final administrative action in this case. There is no further right of appeal as to NSF's imposition of the administrative actions referenced in this letter. If you have any questions about the foregoing, please call Lawrence Rudolph, General Counsel, at (703) 292-8060.

Sincerely,



Subra Suresh  
Director

National Science Foundation  
Office of Inspector General



Confidential  
Report of Investigation  
Case Number A09030014

25 May 2011

**This Confidential Report of Investigation is provided to you  
FOR OFFICIAL USE ONLY.**

It contains protected personal information, the unauthorized disclosure of which may result in personal criminal liability under the Privacy Act, 5 U.S.C. § 552a. This report may be further disclosed within NSF *only* to individuals who *must* have knowledge of its contents to facilitate NSF's assessment and resolution of this matter. This report may be disclosed outside NSF only under the Freedom of Information and Privacy Acts, 5 U.S.C. §§ 552 & 552a. Please take appropriate precautions handling this confidential report of investigation.

## Executive Summary

### **OIG's inquiry revealed that:**

- approximately 90 lines of text copied from 5 publications and 4 web sources appeared in the Subject's NSF proposal.

### **University's investigation concluded that:**

- the Subject acted carelessly in including copied text in an NSF proposal;
- the Subject's acts were plagiarism, and the Subject was responsible for the plagiarism; and
- the Subject did not commit academic misconduct.

### **OIG's investigation established that:**

- the Subject copied approximately 135 lines of text into 3 NSF proposals.

### **OIG concludes that:**

- **Act:** The Subject plagiarized approximately 135 lines of text into 3 NSF proposals.
- **Intent:** The Subject acted recklessly.
- **Standard of Proof:** A preponderance of the evidence supports the conclusion that the Subject's acts were a significant departure from accepted practices, and therefore constitute research misconduct.

### **OIG recommends that NSF:**

- Make a finding of research misconduct against the Subject;
- Send a letter of reprimand to the Subject;
- Require that the Subject submit certifications to AIGI, NSF OIG for two years that any submissions to NSF do not contain falsified, fabricated, or plagiarized material;
- Require that the Subject's employer submit assurances to AIGI, NSF OIG for two years that any submissions to NSF do not contain falsified, fabricated, or plagiarized material;
- Prohibit the Subject from serving as a merit reviewer of NSF proposals for two years; and
- Require the Subject to provide certification to NSF OIG of attendance at a course in responsible conduct of research within 1 year of the finding of research misconduct.



### OIG's Inquiry

We assessed an allegation that the Subject's<sup>1</sup> NSF proposal<sup>2</sup> contained plagiarized text. Our review showed that the proposal contained approximately 90 lines of unattributed text copied from nine potential sources. We wrote the Subject (Tab 1). He replied (Tab 2) that his laboratory manager<sup>3</sup> provided all of the text in question. Although the laboratory manager is not named in the proposal as coPI, or as an author, the proposal included the manager's biographical sketch, and the proposal sought funds to support part of his salary. The Subject's reply did not dispel the allegation, and we referred an investigation to the Subject's University<sup>4</sup> (Tab 3).

### University's Investigation

Pursuant to its policy, the University appointed an investigation committee (IC) to conduct the investigation. We received a copy of the IC report (Tab 4). The IC considered materials provided to the University by OIG, examined other proposals and publications of the Subject, and interviewed the lab manager and the Subject.

In his interview with the IC, the lab manager confirmed<sup>5</sup> that he prepared material as directed by the Subject, and this included the unattributed copied text in Proposal A. He stated that he copied most of the text from web sources. The lab manager claimed that the copied material would be difficult to paraphrase.<sup>6</sup> He also stated that he did not know that the material was to be added to an NSF proposal, did not review the proposal before submission, and did not know that it had been submitted.<sup>7</sup>

In his interview with the IC, the Subject stated<sup>8</sup> that he had asked the lab manager for draft background material, with the specific intention to use it in the NSF proposal. He stated that he noticed a missing citation in the material provided, and asked the lab manager for it. Although the citation was then provided to him, he likely "just forgot" to include it in the proposal.<sup>9</sup> The Subject stated that he believed the lab manager made a mistake in preparing the

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The Subject is the PI. Our letter to the Subject, and the annotated proposal and potential source documents, are included at Tab 1. [REDACTED] which contains much of the same copied text. Proposal A was funded by NSF.

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<sup>5</sup> A summary of the IC interview with the lab manager is included at Tab 4.

<sup>6</sup> The IC did not ask why this might be so, and offered no assessment of whether the lab manager's assertion was accurate.

<sup>7</sup> As noted, the unattributed copied text appeared in two proposals submitted to NSF. Proposal A was a resubmission of earlier proposal [REDACTED]

<sup>8</sup> A summary of the IC interview with the Subject is included at Tab 4.

<sup>9</sup> Subject interview, IC report, attachment 6, page 1 (Tab 4).

draft materials included in the proposal, and that the lab manager may not have a proper understanding of plagiarism.<sup>10</sup>

The cover letter to the IC report stated that “since [the lab manager] was not listed as a contributor to the proposal and he did not participate in the preparation or submission of the proposal, that he should not be charged with plagiarism. The University will take no further action against [the lab manager].”<sup>11</sup> However, within the report and the summary notes of the IC’s interviews, the investigation clearly established that the lab manager prepared materials used in the proposal at the request of the Subject, and that these materials contained plagiarized text.

NSF guidelines for proposal preparation state (NSF Grant Proposal Guide, page I-3): “Authors other than the PI (or any co-PI) should be named and acknowledged.” We wrote the University and asked for further clarification regarding the lab manager’s contributions to the proposal.<sup>12</sup> The University responded:

. . . the committee’s assessment was that based on community standards for authorship, the material [the lab manager] provided to the [Subject] did not represent any type of intellectual contribution normally considered sufficient to merit recognition of authorship. Furthermore, our non-conflicted experts in the relevant disciplines were unequivocal in their judgment that the text compiled by [the lab manager] did not provide the basis for any of the scientific or intellectual propositions contained in the proposal.<sup>13]</sup>

The University response did not address why the lab manager was not listed as an author of Proposal A. In our letter, we also asked the University to clarify the extent of the lab manager’s contributions to the proposal. The University responded that the lab manager provided about 20% of the proposal text, but again emphasized that that background information “did not provide the basis for the scientific or intellectual propositions contained in the proposal.”<sup>14</sup>

The IC concluded that copied text appeared in the Subject’s Proposal A without proper citation or the use of quotation marks, and that this constituted plagiarism.<sup>15</sup> The IC “concluded that [the Subject] committed plagiarism by not appropriately citing several passages in the background section of the proposal. The committee considered the mitigating factor that the passages were [redacted] descriptions with some citations.”<sup>16</sup>

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<sup>10</sup> Subject interview, IC report, attachment 6, page 1 (Tab 4).

<sup>11</sup> Cover letter of February 25, 2010, page 1 (Tab 4). Our referral letter states that the university investigation should include consideration of anyone determined to have committed plagiarism.

<sup>12</sup> Tab 5.

<sup>13</sup> Clarification letter of April 29, 2010, page 1 (Tab 6).

<sup>14</sup> Clarification letter of April 29, 2010, page 2 (Tab 6).

<sup>15</sup> IC report, page 4 (Tab 4).

<sup>16</sup> IC report, pages 4-5 (Tab 4).

The IC examined each of fourteen instances of copied text in the Subject's proposal as identified in the OIG referral,<sup>17</sup> and assigned a seriousness rating to each.<sup>18</sup> Twelve of the instances were assigned a seriousness rating of "low," and two were assigned a rating of "low-medium." Instances of "low seriousness" were described as "descriptive material" or as material copied from a guidebook or website, and not copied from "an original scholarly work."<sup>19</sup> The same descriptions are used, however, for those two instances rated of "low-medium" seriousness. We therefore asked the University to clarify how the seriousness was rated.<sup>20</sup> The University replied:

In each instance of matching text, the committee used their collective knowledge of accepted norms to assess what kind of material was copied and what would have been the appropriate way to cite the reference. The committee determined, based on this careful review, that most of the text typically copied from websites was a description of the general [REDACTED]. Because the copied text did not represent original ideas of scholarship and in many instances included references, the committee considered these as less serious deviations from normal citation practices, rather than serious academic misconduct.<sup>[21]</sup>

In the cover letter to the IC report, the Vice President for Research stated: "The University concluded that while the [Subject's] actions meet the NSF's definition of plagiarism, the University believes his actions do not constitute "scientific or academic misconduct," under University policy because there is no evidence that the plagiarism was intentional. The University concluded that the [Subject] was careless in not checking the references, but as evidenced by the citation accompanying the borrowed text, he did not intend to represent the composition as his own."<sup>22</sup>

We asked the University for clarification of the "careless" level of intent, and subsequent lack of a finding, since University policy does not specifically address intent. The University replied:<sup>23</sup>

The University's Policy Statement on the Integrity of Scholarship does not specifically include a requirement of the level of intent in the definition of plagiarism but it does invoke the NSF's policy for cases of allegation of misconduct involving NSF, and, as noted in the committee's report, the committee concluded that [the Subject's] actions were careless.<sup>[24]</sup>

<sup>17</sup> The IC examined only instances of copied text identified in the referral letter.

<sup>18</sup> The instances and the ratings are tabulated and attached to the IC report (Attachment 8b, Tab 4).

<sup>19</sup> Attachment 8b, IC Report (Tab 4).

<sup>20</sup> Tab 5.

<sup>21</sup> Clarification letter of April 29, 2010, page 4 (Tab 6).

<sup>22</sup> Cover letter of February 25, 2010, page 1 (Tab 4).

<sup>23</sup> Clarification letter of April 29, 2010, page 4 (Tab 6).

<sup>24</sup> Intent, however, is not part of NSF's definition of plagiarism. Rather, a level of intent (reckless, knowing, or intentional) is required under NSF policy for a finding of research misconduct, given that plagiarism was committed.

In summary, the IC concluded that the Subject was responsible for plagiarism in Proposal A. The IC and the University concluded that the Subject's actions were careless, and the University asserted that this level of intent precludes a finding of academic misconduct.

The IC examined a sample of other NSF proposals<sup>25</sup> and papers authored by the Subject and the lab manager in the past five years (the Subject's CV is included at Tab 7, along with the Subject's NSF proposal submission history). A summary of its results and evaluation was provided with the report.<sup>26</sup> The IC report stated that "The committee members agreed that there was no pattern of plagiarism found in this review."<sup>27</sup> The IC also examined four publications of the Subject and the lab manager, and identified only matches to text previously authored by the Subject.<sup>28</sup> The IC further concluded<sup>29</sup> that the Subject's actions "have no impact on the research record since the copied information already exists in numerous publications."<sup>30</sup>

The Subject, in his comments on the draft of the IC report,<sup>31</sup> re-asserted that 1) the lab manager was aware that the text materials were to be used in the NSF proposal, and 2) he erred only "in not recognizing material originating from a subordinate as being copied information without proper attribution."

The University Vice President took the following actions recommended by the IC: 1) the Subject will "1) receive a letter from the Vice President for Research expressing the university's concern, 2) that, for three years, the Subject's new proposals for sponsored projects be accompanied by a personal certification that these proposals do not contain plagiarism, and that 3) the Subject be required to review with his graduate students and other laboratory members best practices for citing the work of others."<sup>32</sup> The University took no action with respect to the lab manager.

### OIG's Investigation

Upon receipt of the University's investigation report, we invited the Subject and the lab manager to comment. We received no response. Because the lab manager was a potential subject, we wrote separately to clarify and confirm his responses to the University IC.<sup>33</sup> The lab manager continued to assert that he did not know the materials he provided were to be used in an

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<sup>25</sup> The Subject's CV (Tab 7) does not list any awards from Federal agencies other than NSF.

<sup>26</sup> IC report, Attachment 5 (Tab 4).

<sup>27</sup> IC Report, page 2 (Tab 4).

<sup>28</sup> A self-match occurs when the plagiarism detection software matches an examined text with source text already in the database, but the source text is composed by the same author.

<sup>29</sup> IC Report, page 4 (Tab 4).

<sup>30</sup> In fact, most of the unattributed copied text uniquely appears in scholarly publications by its original authors. The text is in some cases excerpted on web sites, which provide appropriate citation and reference to the original publication.

<sup>31</sup> IC Report, Appendix 9 (Tab 4).

<sup>32</sup> Cover letter of February 25, 2010, page 2 (Tab 4).

<sup>33</sup> Our letter to the lab manager and his response are at Tab 9.

NSF proposal, and that he did not review the proposal before submission.<sup>34</sup> He also asserted that he provided a list of references along with the material he provided the Subject.

The conclusions of the IC report and subsequent actions by the University are not consistent with the facts established during the investigation. The IC concluded that the unattributed copied text in the Subject's Proposal A was not adequately cited or referenced, that this lack of proper attribution constituted plagiarism, and that the Subject was responsible for the plagiarism.<sup>35</sup> The IC and the University characterized multiple instances of plagiarism in the referred proposal as instances of low seriousness, and asserted that the Subject was merely careless in not checking the original references.<sup>36</sup> Despite the IC description of the Subject's actions as of low seriousness, University policy<sup>37</sup> for faculty members states that "Misconduct in the pursuit of scholarship and research includes at least the following **major offenses** (emphasis added) . . . 2. Plagiarism: taking credit for someone else's work and ideas, stealing others' results or methods, copying the writing of others without proper acknowledgment, or otherwise falsely taking credit for the work or ideas of another."

In describing the copied text, the University asserted that the Subject did not "intend to represent the composition as his own."<sup>38</sup> We conclude, however, that because the unattributed copied text in the Subject's Proposal A does not appear within quotation marks, and lacks references, and because the lab manager is not listed as an author on the proposal, the Subject clearly represented the text in the proposal as his own composition.

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<sup>34</sup> The lab manager has left the University and accepted a position [REDACTED]

<sup>35</sup> The IC investigation confirmed that the lab manager plagiarized from source documents into the materials provided the Subject. The Subject's actions can be viewed either as plagiarism of the text provided by the lab manager, or from the original authors of the source documents.

<sup>36</sup> Examination of the annotated proposal [REDACTED] shows that in most instances of unattributed copied text, the quotation, citation, and reference to the source are absent. Neither the IC nor the university is specific about just what references the Subject was careless in not checking.

<sup>37</sup> [REDACTED]

<sup>38</sup> Cover letter of February 25, 2010, page 1 (Tab 4).

We examined a sample of the Subject's past and current NSF proposals (Tab 7)<sup>39</sup> different from those examined by the IC. A summary of copied text found in those NSF proposals<sup>40</sup> is here:

Proposal	Lines of copied text	Sources
A (FY 09) <sup>41</sup>	90	5 publications, 4 web documents
B (FY 06)	35	2 publications
C (FY 08)	10	2 publications

None of the copied text in the Subject's Proposals A-C appears within quotation marks, or is otherwise differentiated, and embedded references<sup>42</sup> appear in some copied passages of text. In some instances, the citation and the reference is missing, while in others the citation appears for the general ideas described, but not for the particular copied text. The IC concluded for Proposal A, and we conclude for Proposals A-C, that the Subject's copying of text constitutes plagiarism.

**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.<sup>43</sup>

**Acts**

The Subject plagiarized approximately 135 lines of text into 3 NSF proposals, without the use of quotation marks or other differentiation, and often without citation to the source of the duplicated material. In offering text written by others as his own words, and in providing that text to NSF and NSF reviewers as emblematic of his own understanding of the research field, the Subject significantly departed from accepted standards of his research community. The Subject served as chair of his University department, and as an officer of a professional organization, and is surely aware of the standards of scholarship.<sup>44</sup>

<sup>39</sup> Proposals B and C were not included in the IC's review of the Subject's proposals, although the IC examined other proposals submitted within the same period.

<sup>40</sup> Proposal B is [REDACTED] Proposals B and C were declined.

<sup>41</sup> Copied text in Proposal A was referred to the University for investigation.

<sup>42</sup> An embedded reference is a citation to a reference appearing within the stretch of copied text. The placement and the reference are identical in both the source and the proposal.

<sup>43</sup> 45 C.F.R. §689.2(c).

<sup>44</sup> The Subject's Curriculum Vita (CV) is included at Tab 7. The CV reflects the Subject's current position as Dean at another university.

### **Intent**

The Subject asserted that he asked for background material from his laboratory manager as part of the preparation of Proposal A, and may have been unaware that text provided by the lab manager was plagiarized from other authors. However, the Subject recklessly incorporated text provided by the lab manager into his proposal, and did so without providing attribution to his lab manager or the original sources. Further, the lab manager asserted that a list of references was provided to the Subject. We conclude that the Subject's intent was reckless.

### **Standard of Proof**

The IC concluded, by a preponderance of the evidence, that the Subject's actions in copying text into Proposal A constituted plagiarism, and represented a significant departure from accepted practices. We agree with the IC that the Subject's plagiarism was a significant departure from accepted practices.

A preponderance of the evidence proves that the Subject reckless plagiarism was reckless was a significant departure from accepted practices. Therefore, we conclude that the Subject's actions 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.<sup>45</sup>

### **Seriousness**

The Subject copied approximately 135 lines of text from 13 different sources into 3 NSF proposals. In so doing, the Subject presented that text to NSF proposal reviewers as his own. The NSF definition of plagiarism is clear:<sup>46</sup> "Plagiarism means the appropriation of another person's ideas, processes, results or words without giving appropriate credit." The NSF Grant Proposal Guide states:

NSF expects strict adherence to the rules of proper scholarship and attribution. The responsibility for proper scholarship and attribution rests with the authors of a proposal; all parts of the proposal should be prepared with equal care for this concern. Authors other than the PI (or any co-PI) should be named and acknowledged.<sup>47</sup> [The proposal] should present the merits of the proposed project

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<sup>45</sup> 45 C.F.R. §689.3(b).

<sup>46</sup> 45 C.F.R. Part 689.

<sup>47</sup> NSF Grant Proposal Guide, January 2010, page I-3.

clearly and should be prepared with the care and thoroughness of a paper submitted for publication.<sup>[48]</sup>

The IC and the University concluded that the Subject's actions were of low seriousness "because the copied text did not represent original ideas of scholarship and in many instances included references."<sup>49</sup> We disagree with this assertion and believe it is inconsistent with standards of scholarship that are expected for an NSF proposal.

#### *Degree to which the Act was Reckless*

The Subject solicited material from the lab manager to include in NSF Proposal A, and then included that material without proper attribution in the first submission and also in the resubmission of the proposal. The potential mitigating value of the Subject's response that the lab manager did not properly understand plagiarism is greatly diminished by the fact that unattributed copied text appears in the Subject's other proposals submitted to NSF.<sup>50</sup> We conclude that the Subject's actions are demonstrably reckless.

#### *Pattern*

The University IC concluded that there was no pattern of plagiarism by the Subject. However, our investigation showed that additional plagiarized text appears in two additional NSF proposals<sup>51</sup> on which the subject is sole PI. A pattern of plagiarism by the Subject in NSF proposals is evident.

#### *Impact on the Research Record*

NSF awarded Proposal A; the Subject's two other proposals B-C in which copied text appeared were declined. Neither the individual reviews nor the review analysis of Proposal A comment specifically on portions of the proposal that were plagiarized. We find no evidence to suggest that these portions of the proposal influenced the decision to fund the proposal.

#### *Other factors*

We cannot identify any other relevant aggravating or mitigating factors.

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<sup>48</sup> NSF Grant Proposal Guide, January 2010, page I-3.

<sup>49</sup> Cover letter to the IC report (Tab 4).

<sup>50</sup> The inquiry letter to the Subject asks if plagiarized text appears in any other proposals submitted to NSF. The Subject did not provide an answer to the question.

<sup>51</sup> Proposals B and C.



### **Subject's comments on the draft Report of Investigation**

We provided a draft copy of this report of investigation to the Subject for comments. In his response (Tab 10), the Subject accepted responsibility for the material in his proposals, and repeated his assertion that his laboratory manager knowingly provided the copied material in one of his NSF proposals. The Subject did not provide any information about copied material appearing in his other proposals submitted to NSF. The Subject included with his response a copy of a syllabus from a course he taught in 2006 that included a guest lecture on responsible use of the scientific literature. The Subject requested that we omit from our recommendations 1) required assurances from his employer and 2) required attendance at a course in the responsible conduct of research.

The Subject did not dispute any of the facts established in our investigation. We concluded that our recommendations for certifications and assurances and for attending an ethics course remain appropriate and sufficient to protect NSF's interests.

### **Recommendation**

We recommend that NSF:

- Make a finding of research misconduct against the Subject;
- Send a letter of reprimand to the Subject;<sup>52</sup>
- Require that the Subject submit certifications to AIGI,<sup>53</sup> NSF OIG for two years that any submissions to NSF do not contain falsified, fabricated, or plagiarized material;<sup>54</sup>
- Require that the Subject's employer submit assurances to AIGI, NSF OIG for two years that any submissions to NSF do not contain falsified, fabricated, or plagiarized material;<sup>55</sup>
- Prohibit the Subject from serving as a peer reviewer of NSF proposals for two years;<sup>56</sup> and
- Require the Subject to provide certification to NSF OIG of attendance at a course in responsible conduct of research within 1 year of the finding of research misconduct.<sup>57</sup>

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<sup>52</sup> A letter of reprimand is a Group I action, 45 C.F.R. § 689.3(a)(1)(i).

<sup>53</sup> The AIGI is the Assistant Inspector General for Investigations.

<sup>54</sup> A certification from the subject is analogous to listed Group I actions, 45 C.F.R. § 689.3(a)(1).

<sup>55</sup> Assurance from the subject's employer is analogous to listed Group I actions, 45 C.F.R. § 689.3(a)(1).

<sup>56</sup> Prohibition from service as a reviewer for NSF is a Group III action, 45 C.F.R. § 689.3(a)(3)(ii).

<sup>57</sup> A course requirement is analogous to listed Group I actions, 45 C.F.R. § 689.3(a)(1).