



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A10040030

Page 1 of 1

We reviewed a declined proposal¹ and found a significant amount of text apparently copied from another declined NSF proposal (the Source).² When we contacted the PI, he admitted to the copying. The PI³ also admitted to receiving the Source via an *ad hoc* reviewer, who appeared to have breached reviewer confidentiality. We considered this alleged breach separately.⁴

We referred the allegation of plagiarism to the PI's university⁵ for an investigation. The university made a finding of knowing research misconduct. Its actions took into account the PI's background, inexperience, and lack of effect on the scientific record. The university placed a letter of reprimand in the PI's personnel file to be expunged after two years, required training, and assigned a mentor to the PI.

We concurred with the university's finding as described in our report (attached). We recommended NSF: make a finding of knowing research misconduct; require certifications and assurances for 2 years; require training within 1 year; and prohibit the PI from serving NSF as a reviewer, advisor, or consult for 3 years. NSF accepted our recommendations (attached).

Accordingly, this case is closed.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 A10070048.
5 [REDACTED]

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DIRECTOR

JAN 27 2012

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

[REDACTED]

Re: Notice of Research Misconduct Determination

Dear [REDACTED]

In 2010, you served as a Principal Investigator ("PI") on a proposal submitted for funding to the National Science Foundation ("NSF") entitled, [REDACTED]

As documented in the attached Investigative Report prepared by NSF's Office of Inspector General ("OIG"), this proposal contained plagiarized material.

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 approximately 155 unique lines of text, and 88 embedded references, copied from one source document – a proposal previously submitted to NSF for funding. 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, and our determination that it was committed knowingly. I have also considered the fact that your misconduct was not part of a pattern of plagiarism, and had no impact on the research record. In addition, I have considered 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 January 31, 2014, 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) Until January 31, 2014, you must obtain, and provide to the OIG, assurances from a responsible official of your employer that any proposal or report you submit to NSF as a PI or co-PI does not contain plagiarized, falsified, or fabricated material;

- (3) By January 31, 2013, you must certify completion of the responsible conduct of research training program specified by the University, and provide documentation of the program's contents to the OIG; and
- (4) Until January 31, 2015, you are prohibited from serving as a merit reviewer, advisor, or consultant for NSF.

The certifications, assurances, and requested documentation 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,



Wanda Ward
Senior Advisor to the Director

Enclosures

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

National Science Foundation Office of Inspector General



Confidential Report of Investigation Case Number A100040030 30 September 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

Allegation: Plagiarism of text from a declined NSF proposal into his own NSF proposal.

OIG Inquiry: In a submitted proposal (the Proposal), we identified approximately 163 lines (155 unique) and 88 embedded references allegedly plagiarized from 1 declined NSF proposal (the Source). The Subject admitted that he copied the Source and that he obtained the Source from his post-doctoral mentor, an *ad hoc* reviewer of the proposal.

University Investigation and Action: The University conducted an investigation and its committee recommended finding that the Subject recklessly plagiarized the Source. The Deciding Official found the act was done knowingly. The University placed a letter of reprimand in the Subject's file, required mentoring by a senior scientist for one year, and required the Subject to take a research integrity course.

OIG's Assessment:

- **The Act:** Nearly verbatim plagiarism of 155 unique lines and 88 embedded references from a declined NSF proposal.
- **Intent:** The Subject acted knowingly.
- **Standard of Proof:** The preponderance of the evidence supports the conclusion regarding the act and intent and a finding of research misconduct.
- **Significant Departure:** The Subject's actions are a significant departure from the accepted practices of the research community.
- **Pattern:** None apparent.

OIG Recommendation:

- Send the Subject a letter of reprimand notifying him that NSF has made a finding of research misconduct.
- Require the Subject to certify completion of the RCR training program specified by the University and provide documentation of the program's contents within 1 year of NSF's finding.
- Require the Subject to submit certifications for 2 years.
- Require the Subject to submit assurances from his employer for 2 years.
- Bar the Subject from participating as a reviewer, advisor, or consultant for NSF for a period of 3 years.

OIG's Inquiry

We reviewed an allegation of plagiarism in an NSF proposal¹ (the Proposal). We annotated the Proposal and another declined NSF proposal² (the Source). We identified approximately 163 lines (155 unique) and 88 embedded references allegedly copied from the Source. We wrote to the PI³ (the Subject), who indicated in his reply that his mentor showed him the Proposal,⁴ and he took it without his mentor's knowledge.⁵ His mentor⁶ had received the Source from NSF to provide an *ad hoc* merit review. He admitted to copying from the Source.⁷

Given the extent of the plagiarism and the need for additional information regarding the Subject's acquisition of the Source (*i.e.*, a confidential declined NSF proposal), we referred an investigation to the Subject's university⁸ (the University).⁹

The University's Investigation¹⁰

The University appointed an investigation committee (the Committee) composed of three faculty members to investigate the allegation following the requirements of the University policy¹¹ and 45 C.F.R. Part 689.¹² The Committee reviewed the Proposal, the Source, and the Subject's admission in his response to our inquiry, concluding that research misconduct had taken place.¹³ They additionally reviewed five of the Subject's other publications, but found no pattern of misconduct.¹⁴ Consequently, they decided that an interview of the Subject was not necessary, although the University's research integrity officer (RIO)¹⁵ ultimately asked the Subject a few questions on behalf of the Committee. The meeting between the Subject and the RIO revealed that the Subject received no formal research misconduct training but did occasionally receive informal training from his mentors.¹⁶

The Committee found "that the misconduct was serious and a significant departure from normal practice."¹⁷ Taking into account the Subject's background, experience, and the lack of effect on the scientific record, the Committee concluded that "there may have been insufficient

¹ Tab 1, [REDACTED]

² Tab 2, [REDACTED]

⁴ The Subject is not directly implicated as an actor in the apparent breach of confidentiality of NSF's *ad hoc* merit review process. Thus, we consider the apparent breach independent of the present investigation.

⁵ Tab 3. OIG's inquiry letter to the Subject.

⁶ [REDACTED]

⁷ Tab 4. The Subject's response to the OIG inquiry letter.

⁸ [REDACTED]

⁹ Tab 5.

¹⁰ Tab 6, The University's Investigation Report and Appendixes.

¹¹ Tab 8, the University policy.

¹² Tab 6 at 71.

¹³ Tab 6 at 71.

¹⁴ Tab 6 at 71-72.

¹⁵ [REDACTED]

¹⁶ Tab 6 at 81.

¹⁷ Tab 6 at 72.

knowledge with regard to the preparation of a grant proposal, making the act reckless.”¹⁸ The Deciding Official,¹⁹ however, found that the act was knowing, stating: “The act of copying, ‘cut-and-paste’ or otherwise using someone else’s manuscript as the basis for a grant proposal is done with knowledge of the act.”²⁰

The Committee recommended that: 1) the Subject take a training course on the responsible conduct of research this year; and 2) a senior faculty member serve as a mentor to the Subject, with monthly meetings.²¹ In addition to accepting these recommendations, the Deciding Official also required that a letter of reprimand be placed in the Subject’s personnel file which would be expunged after 2 years.²²

OIG’s Investigation and Assessment

We reviewed the University report and find that the University investigation was accurate, complete, and in accordance with reasonable procedures. Although the Committee decided not to interview the Subject directly, the Committee’s conclusions are supported by the Subject’s admission during our inquiry and his subsequent ability to review the University report with the RIO. Furthermore, we wrote to the Subject to obtain any additional information or comments he may have with respect to the University report and our investigation.²³ The Subject replied, indicating his agreement with the University report and providing no additional comments.²⁴ We also independently received confirmation from the Subject’s postdoctoral mentor that he provided the Subject with a copy of the Source, requesting the Subject’s expertise in assessing aspects of the proposal.

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.²⁵

The Act

The Subject admitted that he copied text from the Source without attribution and that he did not have permission to do so. Copying 163 lines (155 unique) of text with 88 embedded references, including headings and internal structure, from the Source, a confidential NSF proposal. The Committee determined the Subject’s actions were a significant departure from the accepted practices of the Subject’s research community, and we concur with the Committee’s conclusion. The Subject’s act meets NSF’s definition of plagiarism.

¹⁸ Tab 6 at 81.

¹⁹ [REDACTED]

²⁰ Tab 6 at 82.

²¹ Tab 6 at 72.

²² Tab 6 at 82–83.

²³ Tab 7 at 85.

²⁴ Tab 7 at 84.

²⁵ 45 C.F.R. 689.2(c).

Intent

We concur with the University deciding official that the Subject's actions constitute a knowing act, demonstrated by the cut-and-paste copying of the text, including structure and headings.

Standard of Proof

The preponderance of the evidence, including the Subject's admission that he copied the text, supports that the Subject knowingly plagiarized from the Source in the Proposal and that his actions were a significant departure from the accepted practices of the relevant research community.

We therefore 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.²⁶

Seriousness

The Subject's actions constitute a substantial amount of nearly verbatim copying which he presented to NSF as his original work. Although the large number of embedded references lead the reader to the primary sources from which the Source author presumably derived the intellectual content, these references as part of the body of copied text represent the intellectual work product of the Source author(s). As such, the Subject's own knowledge of the state of the field and ability to perform the proposed work are therefore questionable in the absence of other evidence.

We independently confirmed the Subject's assertion that he obtained access to the Source via his post-doctoral mentor. The mentor had requested the Subject's assistance in providing NSF an *ad hoc* review of the Source because of the Subject's particular expertise in the subject matter. It appears that the Subject did not have sufficient guidance or knowledge with respect to the handling of confidential NSF proposals during *ad hoc* merit reviews.²⁷

²⁶ 45 C.F.R. 689.3(b).

²⁷ It was the obligation of the *ad hoc* reviewer (*i.e.*, the post-doctoral mentor) to obtain prior permission from the NSF program officer before sharing the confidential proposal with the Subject. There was insufficient evidence to

Degree to which the Act was Knowing

The Subject's actions in this case were knowing, falling short of intentional (purposeful). We agree with the Deciding Official that the volume of the cut-and-paste copying, including the embedded references, is nothing less than a knowing act. Although educated outside of the U.S., the Subject has served in various post-doctoral positions in the U.S. since 1998 and has published articles in several English language journals.²⁸ The University's review of other proposals identified no plagiarism indicating he had a working knowledge of scholarly standards. We conclude that his actions were clearly knowing.

Pattern of Behavior

We concur with the University that the Subject's act appears to be an isolated event and not part of a broader pattern of behavior.

Impact on the Research Record

We concur with the University that the Subject's act has no impact on the published research record.

Recommendations

Based on the evidence, OIG recommends that NSF:

- Send the Subject a letter of reprimand notifying him that NSF has made a finding of research misconduct.²⁹
- Require the Subject to certify to the Assistant Inspector General for Investigations (AIGI) his completion of the RCR training program specified by the University and provide documentation of the program's content within 1 year of NSF's finding.³⁰
- Require the Subject to submit a certification to the AIGI for each proposal, report, or other document he submits for 2 years from the finding that the contents are not plagiarized, falsified, or fabricated.³¹
- Require the Subject to submit assurances from a responsible official of his employer to the AIGI for each proposal, report, or other document he submits for 2 years from the finding that the contents are not plagiarized, falsified, or fabricated.³²
- Bar the Subject from participating as a reviewer, advisor, or consultant for NSF for a period of 3 years.³³

establish the Subject's knowledge of the confidential nature of the Proposal he received from the *ad hoc* reviewer. Furthermore, the Subject has never been a reviewer for NSF.

²⁸ Tab 1 at 21-22.

²⁹ A Group I action 45 C.F.R. 689.3(a)(1)(i).

³⁰ This action is not specified within the regulation (See 45 C.F.R. 689.3(a)). It is similar to Group I actions 45 C.F.R. 689.3(a)(1).

³¹ This action is not specified within the regulation (See 45 C.F.R. 689.3(a)). It is similar to 45 C.F.R. 689.3(a)(1)(iii).

³² A Group I action 45 C.F.R. 689.3(a)(1)(iii).

The Subject's Response to OIG's Draft Investigation Report³⁴

The Subject responded to our draft investigation report with questions that were not pertinent to the substantive analysis of the evidence supporting the recommended finding. We advised him that those questions were more properly directed to NSF.³⁵

³³ A Group III action 45 C.F.R. 689.3(a)(3)(ii).

³⁴ Tab 9.

³⁵ Tab 9.