



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A10080062

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A University¹ notified us it had conducted an Inquiry and concluded an Investigation was warranted into an allegation of plagiarism. Specifically, two professors (P1² and P2³) had collaborated on a proposal (the joint proposal)⁴ on which P1 was the PI and P2 was the co-PI. Subsequent to NSF's awarding of their joint proposal, P2 submitted a proposal⁵ (the subject proposal) to NSF that contained some of the same text and figures that appeared in the joint proposal.

The University's Investigative Committee (IC) could not reach consensus about whether P2's use of the material was plagiarism; thus, the IC included a majority and minority opinion in its report. The only thing the IC agreed on as a whole were recommendations that the University should (1) strengthen its RCR program such that it has a uniform code of ethical behavior; (2) provide oversight of P2's proposals for 2 years; (3) a group of people with varying levels of seniority and of both genders should form a mentoring circle for P2; (4) all junior faculty should have access to a mentoring circle; (5) P2 should receive a warning letter; and (6) the Dean should send a letter communicating a generalized directive of behavior to all research and tenure-track faculty in all departments within the college.

The Investigative Committee (IC) concluded P2 should have cited the text and figures from the joint proposal, but split 5-4 in concluding the evidence did not support a finding of plagiarism. The IC majority noted evidence that P2 had developed the ideas for the subject proposal prior to joining P1's research team; had shared those ideas with P1's team; and those ideas, which were subsequently included in the joint proposal, were therefore legitimate for P2's inclusion in the subject proposal. The majority relied on testimony from various faculty members acknowledging the common practice of sharing ideas and authorship jointly without disentangling ownership of the jointly created work. As such, within the standards of P1's and P2's department, their collaborative work was jointly owned and could be used by either without permission from the other. Therefore, it concluded the evidence did not support a finding of plagiarism.

The IC minority disagreed with the majority's conclusion that P2's earlier work was

¹ [redacted]

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⁴ [redacted]

⁵ [redacted]



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the basis of ideas explored in the joint and subject proposals. The minority did not agree that P2 could use any material from the joint proposal that was not 100% her own, particularly without citation. Therefore, the minority concluded the text and figures copied from the joint proposal into the subject proposal without citation was plagiarism, and it was deliberate (knowing/intentional).

The issue rests crucially on whether the proposal is a separable or joint one, *i.e.*, whether the authors indicated who wrote which text and figures and who was going to conduct which research, or the work appears jointly without such distinction. The IC determined P2 had provided some text to the joint proposal, but was unable to agree on exactly which text and how much was provided. Based on our review, we conclude that it was not possible to determine who authored which sections of this joint proposal and therefore consider the text to be jointly owned. The NSF Research Misconduct Regulation does not consider un-cited duplication of one's own words to be plagiarism, thus P2 was not required to cite the material she took from the joint proposal because that material is jointly owned. Therefore, OIG concurs with the University and concludes the evidence does not support a finding of plagiarism. Accordingly, this case is closed.