



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A11050035

Page 1 of 1

We received a substantive allegation that a PI¹ (Subject) plagiarized text and test results in an NSF Proposal.² We referred the investigation to the University,³ which interviewed the Subject and the student who had authored the Proposal. The University concluded, based on a preponderance of the evidence, that the Subject's actions were a significant departure from accepted practices. Although their report used the term "careless" to describe the Subject's level of intent, the report makes clear the act was committed at the least serious level of intent necessary for a finding of research misconduct, which, according to University Policy is "reckless".

We could not accept the University's Report in its totality in lieu of conducting our own investigation. We wrote to the student to obtain more information about the process and the test results data copied into Proposal tables. Based on the preponderance of the evidence, we concluded that the Subject recklessly plagiarized in his NSF Proposal, which we deemed a significant departure from accepted practices and recommended actions to protect the federal interest. The Senior Advisor to the Director concurred with our recommendations.

This memo, the attached Report of Investigation, and the Senior Advisor's letter constitute the case closeout. Accordingly, this case is closed.

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[REDACTED]

National Science Foundation Office of Inspector General



Report of Investigation Case Number A11050035

May 8, 2013

**This Report of Investigation is provided to you
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Executive Summary

Allegation: Plagiarism.

OIG Inquiry: Our review identified 123 lines, 2 figures, 1 table, and 8 embedded references copied from 6 sources into an NSF proposal with one PI (Subject). In his response to our letter, he admitted to inaccuracies in the references due to some accidental deletions and his belief that quotation marks were unnecessary. We referred investigation of the matter to the Subject's university (University).

University

Investigation: The University interviewed the Subject and found that a student wrote the Proposal, though the Subject's personal situation prevented him from reviewing the student's draft thoroughly. The Committee concluded that his lack of careful review constituted research misconduct.

OIG

Investigation: We concurred with the Committee's overall findings. We also wrote to the student who stated that he considered his version a draft and believed it would be revised. He had also believed that citations within the text of the Proposal were sufficient attribution for the data used in 2 figures and 2 tables.

OIG

Assessment:

- **The Act:** The Subject's actions constitute plagiarism of 123 lines, 2 figures, 2 tables, and 8 embedded references from 6 sources.
- **Intent:** The Subject acted recklessly.
- **Standard of Proof:** A preponderance of evidence supports the conclusion that the Subject committed reckless plagiarism.
- **Significant Departure:** The Subject's plagiarism represents a significant departure from accepted practices of the research community.
- **Pattern:** The Subject does not have a pattern of 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 1 year.
- Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF for a period of 1 year.

OIG's Inquiry

We conducted an inquiry into an allegation of plagiarism in an NSF proposal (Proposal).¹ The Proposal contained 123 lines, 2 figures, 1 table, and 8 embedded references copied from 6 sources.² We contacted the PI³ (the Subject) about the allegation.⁴ In his response,⁵ he said that he had cited some sources, but he had done "a poor job in placing most of the references... Also, I assumed that by citing the references was sufficient and therefore I omit quotations."⁶ He wrote, "Regarding the figure and table, these were built using data from"⁷ Source B. He also explained that he was experiencing an extreme mental strain at the time of submission due to personal circumstances, stating "I think this whole incident was due to my poor judgment in submitting the proposal when I was living under very stressing conditions."⁸

Based on our inquiry, we concluded that there was enough substance to proceed to a full investigation. Consistent with our regulation,⁹ we referred the investigation to the Subject's University.¹⁰

University Inquiry and Investigation

University policy¹¹ required it to conduct its own inquiry. An Inquiry Committee reviewed the allegation and produced an Inquiry Report.¹² The Inquiry Committee concluded that a full investigation was warranted due to improperly attributed text and to instances of the Subject interweaving his own results with that of another researcher's without citation.¹³ The Subject submitted a response to the Inquiry Report in which he generally disagreed with the conclusions, believing the existing citations to be adequate except in two instances. He also stated that he did "not properly supervise the writing of the proposal,"¹⁴ and that "[a]ll happened because of my inability to see that I shouldn't have submitted the proposal in the condition that I was."¹⁵

The University appointed an Investigation Committee (the Committee) which reviewed our materials, reviewed 10 other NSF and NIH proposals of the Subject's, and interviewed the Subject. During the Subject's interview, he "admitted to leaving the writing the bulk of the

¹ Tab 1, [REDACTED]

² Tab 2, [REDACTED]

³ [REDACTED]

⁴ Tab 3, [REDACTED]

⁵ Tab 4, [REDACTED]

⁶ Tab 4, Attachment 1, p. 2.

⁷ Tab 4, Attachment 1, p. 2.

⁸ Tab 4, Cover Letter.

⁹ 45 C.F.R. part 689.

¹⁰ [REDACTED] Tab 5 contains the Referral Letter.

¹¹ Tab 6, [REDACTED]

¹² Tab 7, [REDACTED]

¹³ Tab 7, Inquiry Committee Report, p. 1.

¹⁴ Tab 7, Response to Inquiry Report, p. 1. [p. 2 of PDF]

¹⁵ Tab 7, Response to Inquiry Report, p. 1. [p. 2 of PDF]

proposal to his graduate student and not reviewing it carefully, or at all.”¹⁶ The Committee therefore interviewed the Subject’s Ph.D. student (the Student) and interviewed the Subject’s Department Chair to evaluate whether it was appropriate practice to have a doctoral student write a Proposal without credit. Upon conclusion of the investigation, the Committee members produced a Report of Investigation¹⁷ with attachments.¹⁸

In the Subject’s interview, he told the Committee that the Student wrote the proposal, with the Subject’s contribution being limited to corrections.¹⁹ The Subject stated that, typically, there are several revisions,²⁰ but that did not happen this time because he was unable to concentrate.²¹ When asked if he would have noticed inappropriate attribution in the absence of the personally stressful conditions, he said, “That’s a good question.... It seemed that it’s too much. So I might. But I cannot say 100 percent that nobody can catch this or that. [D]efinitely, at that time, I don’t think I would catch it. I was in very bad shape to discover anything at that time.”²² He argued his personal circumstances rendered him unable to reason and he acknowledged that the Proposal should not have been submitted in that form.²³

The Subject stated that his original omission of the student’s involvement was caused by an inability to think clearly due to his personal situation.²⁴ He also stated that, while it was standard practice to have doctoral students write the bulk of grant proposals, it was not possible to include students as authors.²⁵ The Committee confirmed this by interviewing the Chair²⁶ of the Subject’s Department at the University, who stated that the department has traditionally considered students’ proposal writing to be common and vital training,²⁷ though these practices may require reconsideration since students may not be listed as authors of NSF proposals.²⁸

In the Student’s interview, he confirmed that he wrote the Proposal, though he stated that this was the first one he had written alone.²⁹ He also said he lacked expertise in certain topics within the Proposal and he only had “about ten days”³⁰ to draft the Proposal. He had also believed the Subject would thoroughly revise the Proposal before submission. The Student stated that he understood proper attribution (and described it³¹ for the Committee).

The Committee concluded that the Subject committed plagiarism which did not rise to the level of reckless because he did not know there was copied text in the Proposal. It was also

¹⁶ Tab 8, Report, Section III. [p. 6 of PDF]

¹⁷ Tab 8.

¹⁸ Tab 9.

¹⁹ Tab 9, Interview Transcripts, Transcript 1, p. 9, lines 12-13.

²⁰ Tab 9, Interview Transcripts, Transcript 1, p. 15, lines 2-4.

²¹ Tab 9, Interview Transcripts, Transcript 1, p. 32.

²² Tab 9, Interview Transcripts, Transcript 1, p. 28, lines 3-17.

²³ Tab 9, Interview Transcripts, Transcript 1, p. 32, lines 8-10.

²⁴ Tab 9, Interview Transcripts, Transcript 1, p. 8, lines 8-14.

²⁵ Tab 9, Interview Transcripts, Transcript 1, p. 30-31.

²⁶ [REDACTED]

²⁷ Tab 9, Interview Transcripts, Transcript 3, throughout.

²⁸ Tab 9, Interview Transcripts, Transcript 3, p. 16-17.

²⁹ Tab 9, Interview Transcripts, Transcript 2, p. 3, line 24.

³⁰ Tab 9, Interview Transcripts, Transcript 2, p. 5, line 17.

³¹ Tab 9, Interview Transcripts, Transcript 2, p. 7, lines 3-5.

not intentional, since he did not intend for the Student to plagiarize. They concluded that his intent was “careless”³² and stated:

We conclude that the actions of [the Subject] in asking the student to write the proposal, assuming that the student was aware of the norms concerning plagiarism, and not carefully reviewing the work for copied material to be careless.^[33]

While the Committee used the term “careless”, the Report indicates that the Committee determined the act was committed at the least serious level of intent necessary for a finding of research misconduct. The Committee concluded that the act was a significant departure from community standards, as shown by a preponderance of the evidence. Based on its review of its other proposals, the Committee concluded that his actions were not part of a broader pattern, nor did they have a significant impact on the research record.

The Committee made the following recommendations: 1) the Subject be required to certify that his external proposals do not contain plagiarism for a period of one year; 2) that the University require training for all graduate students; and 3) that the University find ways to acknowledge “material participation of students in grant proposals in the official submissions to granting agencies or foundations.”³⁴

The Provost accepted the sanction pertinent to the Subject and added the following two sanctions:

First, no student may write any part of any proposal you submit to any funding source at any time during the remainder of your career at [the University]. And second, that you will receive no merit increase for the next two academic years...and will not be considered for promotion to Professor at [the University] in the next five years.³⁵

OIG’s Assessment of the University Report

We assessed the Report for accuracy and completeness and whether the University followed reasonable procedures in its investigation.³⁶ We found that the general procedures were reasonable, the report was complete, and the University provided an acceptable evidentiary record. However, a research misconduct finding of plagiarism at the level of “careless” is inconsistent with the NSF Research Misconduct Regulation³⁷ and the Committee’s discussion of intent was based on its own understanding of the levels. Therefore, we could not fully accept its report.

³² Tab 8, section III. [p. 6 of PDF]

³³ Tab 8, section III. [p. 7 of PDF]

³⁴ Tab 8, section V. [p. 8 of PDF]

³⁵ Tab 8, Provost Letter to Subject, p. 1.

³⁶ 45 C.F.R. §689.9(a).

³⁷ The definitions and levels of culpable intent in the University’s Policy match NSF’s regulation.

OIG's Investigation

We notified the Subject that we were proceeding with our own investigation and invited comments on the University's report.³⁸ In the Subject's response, he stated that he agreed with the general findings and recommendations, though he had had no intention to submit a Proposal with improperly attributed text.³⁹ He also reiterated that his department deems it important to have students write proposals for training purposes, but "unfortunately, there is no recognition of the student's work, as students are not allowed as co-PIs."⁴⁰ He also stated that normally the faculty and students "go through endless revisions and meetings until it is done. In this proposal because of the extenuating circumstances that I was living, this didn't happen."⁴¹

With regard to the data apparently copied into tables and figures along with new data, the Subject's interview did not clarify whether he and his student(s) replicated the source's tests themselves as well as performing a new test, or whether they ran only one new test and simply grouped existing and new results together.⁴² It was also unclear whether the Student had understood proper citation methods before the investigation. We wrote to the Student⁴³ to inquire about these and other matters and to request his CV.

In his response,⁴⁴ he explained that the Subject gave him approximately two weeks to draft the Proposal. He also explained that the Proposal explored multiple research areas, one of which he knew very little about. According to the Student, the Subject reviewed it once and requested revisions and additions. Nine days later, the Subject asked to see the Student's draft. The Student said, "I never expecting this draft would be submitted without serious review and revision."⁴⁵ In response to our question about his previous understanding of plagiarism, he said simply, "As I understand, plagiarism means exact copy and paste without any reference."⁴⁶ When asked why, despite guidance from the GPG⁴⁷, he was not acknowledged as an author, he stated, "No one ever talked to me about my contribution and my responsibility to this proposal. I just did what I was asked to do, I did not have any control over who should be named and acknowledged, as well as what to submit."⁴⁸

For the 1 table and 2 figures which appeared to use unattributed results, he stated: "I once asked the PI if it is all right to put newly obtained results and published results in the same figure or table, the PI said it is OK to put them together to compare as long as the reference was put there...."⁴⁹ He also wrote that another table in the Proposal mixed others' results with their new result, though he argued that "references are given."⁵⁰ He identified the line from the Proposal

³⁸ Tab 10.

³⁹ Tab 11.

⁴⁰ Tab 11, p. 1.

⁴¹ Tab 11, p. 1.

⁴² Tab 9, Interview Transcripts, Transcript 1, p. 23-24.

⁴³ Tab 12.

⁴⁴ Tab 13.

⁴⁵ Tab 13, "Student Response", Answer 2.

⁴⁶ Tab 13, "Student Response", Answer 3b.

⁴⁷ GPG section I.D.3

⁴⁸ Tab 13, "Student Response", Answer 3d.

⁴⁹ Tab 13, "Student Response", Answer 5. There were no citations on the figures or tables.

⁵⁰ Tab 13, "Student Response", Answer 6.

that cites the source from which the figures and tables came, though we found this line was located far from the pages with the results in question. We noted that the source was also cited twice among several other citations. Nowhere does it make clear that most of the results shown in the figures and tables originated elsewhere.

OIG's Assessment

Though the Provost, the Committee, the Department Chair, and the Subject argued that it was not possible to list the Student as an author because a student could not be a co-PI, the NSF Grant Proposal Guide (GPG) states that "[a]uthors other than the PI (or any co-PI) should be named and acknowledged. Serious failure to adhere to such standards can result in findings of research misconduct."⁵¹ Therefore, though "the responsibility for proper attribution and citation rests with authors of a proposal", it is the responsibility of the PI and awardee administration to include the names of all authors.

The inappropriate copying by the Student represents a deviation from acceptable practices of research. We took his background and lack of experience in writing grants or other publications into account and determined that his actions warranted a Questionable Research Practices warning letter from our office.

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.⁵²

The Act

Our review found the Subject conducted minimal review of a Proposal on which his name appeared as the sole author. The Proposal was actually written by a student who had limited grant writing experience as well as limited knowledge of some topics within the Proposal. The Subject admitted that he did "not properly supervise the writing of the proposal."⁵³ The Subject's actions resulted in the submission of a Proposal with significant amounts of plagiarized text and represent a significant departure from accepted practices. We determined that the Subject's actions constitute plagiarism.

Intent

We conclude that a preponderance of the evidence demonstrates the plagiarism was committed recklessly. NSF advises that proposals "should be prepared with the care and thoroughness of a paper submitted for publication."⁵⁴ As the sole author of the Proposal, it was the Subject's responsibility to ensure that it adhered to proper standards for differentiating

⁵¹ GPG section I.D.3

⁵² 45 C.F.R. §689.2(c).

⁵³ Tab 7, Response to Inquiry Report, p. 1. [p. 2 of PDF]

⁵⁴ GPG section I.D.3

others' work. However, he did not exercise due diligence, which he claimed was due to his personal circumstances.

The Subject cited poor judgment in submitting the Proposal to NSF: "I am guilty of bad judgment. Not bad judgment, but being unable to judge a bad situation in those conditions. That's the bottom line."⁵⁵ In his interview, he acknowledged that submitting the Proposal during his personal upheaval was reckless. "Looking back, I should have stopped that proposal, but I was unable to do anything....So I guess if I am guilty of anything, it would be not being able to reason at that time."⁵⁶

The Subject has argued that he was not in the right frame of mind to give the proposal the diligent review it merited. We conclude that he acted recklessly by submitting a proposal with minimal review, ignoring the risks created by the Student's lack of writing and scientific experience.

Standard of Proof

We conclude that the preponderance of the evidence indicates that the Subject acted recklessly.

Subject's Response to OIG's Draft Investigation Report

The Subject responded to our draft report⁵⁷ to make the observation that the University's requirement of 1 year of certifications had already begun and opined that any additional certification requirements imposed by NSF should be imposed retroactively to coincide with the University's requirements so as not to have the effect of lengthening sanctions against him. His comments did not alter the content of our report or our recommendations.

OIG's Recommended Disposition

When deciding what appropriate action to take upon a finding of misconduct, NSF should 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.⁵⁸

⁵⁵ Tab 9, Interview Transcripts, Transcript 1, p. 33, lines 10-12.

⁵⁶ Tab 9, Interview Transcripts, Transcript 1, p. 9, lines 8-9.

⁵⁷ Tab 14.

⁵⁸ 45 C.F.R. § 689.3(b).

Seriousness

The plagiarism in this case was moderate, amounting to 123 lines of plagiarized text and 8 embedded references from 6 sources. In addition, 2 figures and 2 tables contained the Subject's new results inappropriately combined with other researchers' results.

Pattern and Impact on Research Record

We accept the Committee's conclusion that no evidence of a pattern or impact on the research record occurred.

Recommendations

Based on the evidence, OIG recommends NSF:

- Send a letter of reprimand to the Subject informing him that NSF has made a finding of research misconduct,⁵⁹

For a period of 1 year as of the date of NSF's finding:

- Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF.⁶⁰
- Require for each document (proposal, report, etc.) to which the Subject contributes for submission to NSF (directly or through his institution),
 - the Subject to submit a contemporaneous certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication.⁶¹

⁵⁹ A Group I action (45 C.F.R. §689.3(a)(1)(i)).

⁶⁰ A Group III action 45 C.F.R. §689.3(a)(3)(ii).

⁶¹ This action is similar to 45 C.F.R. §689.3(a)(1)(iii).

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DEPUTY DIRECTOR

DEC 18 2013

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

[REDACTED]

Re: Notice of Research Misconduct Determination

Dear [REDACTED]:

You submitted a proposal to the National Science Foundation, [REDACTED]

[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 verbatim and paraphrased text copied from multiple source documents. By authoring a proposal 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 not 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 December 1, 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; and
- (2) By December 1, 2014, you must attend a training course on research ethics, including a discussion on citation practices, and provide a certificate of attendance to the OIG that you have completed such a course.

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], at (703) 292-[REDACTED].

Sincerely,



Fae Korsmo
Senior Advisor

Enclosures

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