NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A11090063

NSF OIG received an allegation that the two funded NSF proposals[1] of a Subject[2] contained plagiarized text. During our inquiry, the Subject claimed he paraphrased and prominently referenced sources to support the text. However, the identified text was not demarcated by quotation marks or indentation. The Subject claimed other identified text pertained to common term definitions. We referred the matter to the institution.[3] The institution inquiry opinioned that the copied text pertained to general definitions but we disagreed as the other sources pointed out by the Subject had only small segments of some exact wording. The institution inquiry determined the Subject intentionally committed plagiarism but concluded an investigation was not warranted as the Subject subsequently obtained employment at another institution.[4] The institution issued a letter of reprimand to the Subject.

We conducted our own investigation and agreed with the institution's findings that the Subject plagiarized but disagreed on the level of intent. Based on the preponderance of the evidence, we found that the Subject knowingly plagiarized, a significant departure from accepted practices. In our Report of Investigation (ROI), we recommended that for one year, NSF require certifications for all proposals or documents submitted by the Subject to NSF and the Subject to complete a course in the responsible conduct of research. NSF concurred with our recommendations and despite an appeal from the Subject, issued a final determination of research misconduct with the recommended actions.

The Subject's change of institution led to incorrect charges to the NSF awards and we identified a total of $63,235 in award funds that were returned and de-obligated. This memo, the attached ROI and the letters from the Office of the Deputy Director on the notice of research misconduct determination and the final notice constitute the case closeout. Accordingly, this case is ***closed***.

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1 [redacted]

2 [redacted]

3 [redacted]

4 [redacted]

National Science Foundation
Office of Inspector General

Report of Investigation
Case Number A11090063

September 4, 2013

This 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 report of investigation.

Executive Summary

Allegation: Plagiarism of text from 12 Sources into two NSF awarded grants proposals.

OIG Inquiry: We identified two awarded proposals with 51 lines allegedly plagiarized from 12 Sources. We contacted the Subject, but his explanations did not resolve the matter.

University Inquiry and Action:
The Inquiry Team determined, based on the preponderance of the evidence, that the Subject intentionally committed plagiarism in two awarded NSF proposals, which constituted a significant departure from accepted practices of the research community. However, the Inquiry Team concluded an investigation was not warranted. The University issued a letter of reprimand to the Subject. The Subject obtained employment at another institution.

OIG Investigation:
The Subject disputed most of the allegations of plagiarism. He claimed that the specified text was a term definition commonly used and that either the sources have been referenced or were not the actual sources used. However, the specified text was often copied verbatim with minor word omissions or substitutions. Consequently, we found a total of 44.5 lines in the two awards and one proposal that were not appropriately demarcated or cited.

OIG Assessment:

- **The Act:** The Subject committed plagiarism in two awarded proposals and one declined proposal which contain a total of 44.5 undistinguished lines and 5 embedded references plagiarized from 10 sources.
- **Intent**: The Subject acted knowingly.
- **Standard of Proof:** A preponderance of evidence supports the conclusion that the Subject knowingly committed plagiarism.
- **Significant Departure:** The Subject's plagiarism represents a significant departure from accepted practices.
- **Pattern:** Plagiarism was found in two awarded proposals and one declined proposal.

OIG Recommends:

- Make a finding of research misconduct.
- Send a letter of reprimand.
- Require certification of responsible conduct of research training within one year of NSF's finding.
- Require certifications for a period of one year.
- Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF for a period of one year.

OIG's Inquiry

We identified potential plagiarism in two funded NSF proposals (Award 1 and Award 2)[1]. Award 1 contained 36 lines and 5 embedded references allegedly plagiarized from 8 sources.[2] Award 2 contained 15 lines allegedly plagiarized from 4 sources.[3] We wrote[4] to the PI[5] (the Subject) asking for his explanation regarding the copied text in Awards 1 and 2. We wrote[6] a similar letter to the co-PI[7] of Award 1. We also determined that the Subject submitted another proposal, Proposal 1,[8] which was declined. The content of Award 1 almost completely overlapped with Proposal 1 and contained the identical copied text and embedded references. Because of this, we did not include Proposal 1 in the Inquiry letters.

The Subject's response[9] did not dispel all of the allegations. In his response, the Subject routinely stated he paraphrased and prominently referenced sources to support the text. However, the identified text was copied almost verbatim from the source, occasionally omitting or changing a word. The Subject deemed that such changes obviated the use of quotation marks. He pointed out other articles or sites that had some exact or similar wording but did not adequately explain why the identified text in his awards contained a large block of verbatim text without proper attribution. For sources A, G, H, I and J, the Subject stated he never read the source until we presented to him. Although the sources B, C, D, F, K and L were cited in Awards 1 and 2, the copied text was not appropriately demarcated with quotation marks, thus failing to differentiate the words of others from his own. The embedded references were located in the same positions in the copied text as in sources D and F but renumbered in Award 1 to follow the award's reference list.

Upon further analysis, the identified text in A1 (2.5 lines), G1 (2 lines) and I1 (2 lines) were removed from further consideration along with sources G and I. The identified text in A1 and G1 was a definition of a term[10] that was commonly used in the literature. The Subject claimed the text in sources H, E, I and J denoted the widely used definition for another term[11] and that instead of citing sources E or J, he instead cited other references.[12] However, the text in

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[1] Tab 1, Award 1: [redacted] The award was annotated to display the alleged plagiarism.
Tab 2, Award 2: [redacted] The award was annotated to display the alleged plagiarism.
[2] Tab 3: Copied Source Documents A-H.
[3] Tab 4: Copied Source Documents I-L.
[4] Tab 5: OIG Inquiry Letter to the Subject.
[5] [redacted]
[6] Tab 6: OIG Inquiry Letter to co-PI of Award 1.
[7] [redacted]
[8] Tab 7, Proposal 1: [redacted] The proposal was annotated to display the alleged plagiarism.
[9] Tab 8: Response from Subject.
[10] Definition for the term: [redacted]
[11] Definition for the term: [redacted]
[12] Reference #[redacted] in Award 1 and reference #[redacted] in Article 2, respectively.

Award 1 matched source E and the text in Award 2 matched source J and both were not found in the cited references. The text I1 for Award 2 and the source I were removed from further consideration as it was found to be a commonly used definition of the term.

The tables below summarize the alleged plagiarism in Awards 1 and 2 from Sources A-J.

Section	Award 1	Source
Award 1, Specific Aims and Background	2 lines	A (review article)
Award 1, Specific Aims and Research Design & Methods	2 lines	B (article)
Award 1, Background	2 lines	C (article)
Award 1, Background and Limitations & alternative strategies	16 lines, 4 embedded references	D (review article)
Award 1, Background	3 lines	E (article)
Award 1, Background	4 lines, 1 embedded reference	F (review article)
Award 1, Background	2.5 lines	H (review article)
Total Unique Lines (Award 1):	**31.5 lines, 5 embedded references**	

Section	Award 2	Source
Award 2, Introduction	7 lines	J (website)
Award 2, Research Thrusts	4 lines	K (article)
Award 2, Research Thrusts	2 lines	L (protocol report)
Total Unique Lines (Award 2):	**13 lines**	

Thus, a total of 31.5 plagiarized lines and 5 embedded references were identified in Award 1 and a total of 13 plagiarized lines were identified in Award 2. Based on the Subject's overall responses and our review, we referred[13] the investigation to the University.[14]

In the co-PI's response,[15] he stated that he did not author any portions of the identified text in question for Award 1. The Subject also did not state or imply that the co-PI authored any of the identified text in question. We therefore decided not to include the co-PI in our referral of investigation to the University.

University's Inquiry

In accordance with the University's research misconduct policies and procedures,[16] the University conducted an Inquiry into the alleged plagiarism. The Inquiry Team examined Awards 1 and 2, source documents A-L, OIG's Inquiry letter and the Subject's response. The University produced an Inquiry Report[17] with attachments.[18] The Inquiry Team categorized the apparent plagiarism as:

[13] Tab 9: Investigation Referral Letter to University.
[14] [redacted]
[15] Tab 10: Response from co-PI.
[16] Tab 11: University's Policy and Procedures [redacted].
[17] Tab 12: University's Inquiry Report.

"1. Text appears to have been copied verbatim and an appropriate citation provided, but the copied text was not appropriately demarcated with quotation marks;

2. Text appears to have been copied verbatim, but no citation was provided; and

3. Text appears to have been copied verbatim, but either an incorrect or completely different citation was provided;

4. Text appears to have been copied verbatim, but the [Subject] himself indicated the material was copied from a source other than the one indicated by the NSF." [19]

Although the University did not formally conduct an investigation, it addressed the elements for determining a finding of research misconduct as outlined in our referral letter.[20] Specifically, the Inquiry Team "determined that [the Subject] committed plagiarism"[21] since there were:

"[s]pecific instances where significant portions of text were copied without appropriate attribution were analyzed in detail. One blatant example (D3, D4) was comprised of a continuous string of approximately 150 words directly copied from another source. The responses or justifications provided by [the Subject] did not dispel the plagiarism concerns. Through his own statements, [the Subject] acknowledged that text was copied from other sources, and routinely stated he paraphrased and prominently referenced sources to support the text. However, the noted text segments were often copied verbatim from the source documents, with minor revisions of omitting or changing a few words. The copied text was not demarcated with quotation marks and in many cases citations were not appropriately noted."[22]

The Inquiry Team determined the plagiarism, based on the preponderance of the evidence, constituted a significant departure from accepted practices of the relevant research community as "[the Subject] disregarded the well established rules concerning the proper use of other's words and the attribution of copied texts to their original sources."[23] The Inquiry Team also determined that "the preponderance of the evidence provided that plagiarism was committed intentionally by [the Subject]" as "the incidents of plagiarism extend beyond [the Subject] being careless. The responses from [the Subject] infer that he intentionally included copied text, but he did not properly understand the accepted standards for appropriate citations."[24]

However, the Inquiry Team concluded an investigation was not warranted as it determined that "although plagiarism is evident, [ ] it did not constitute a breach of scientific

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[18] Tab 13: Attachments to University's Inquiry Report.
[19] Tab 12, pg 3.
[20] Tab 9: Investigation Referral Letter to University.
[21] Tab 12, pg 3.
[22] Tab 12, pgs 3-4.
[23] Tab 12, pg 4.
[24] Tab 12, pg 4.

integrity and should therefore have no substantive impact on [the Subject]'s research record."[25] In lieu of an Investigation, the Inquiry Team recommended for the Subject: a letter of reprimand, a requirement to teach a one semester course to graduate students on the responsible conduct of research, an assigned faculty member to counsel the Subject in ethical and professional standards for a year and for the Subject to provide certifications for any proposals he submits as a PI or co-PI for the next two years.

Subject's Response to University's Inquiry Report

The University provided the Subject with the Inquiry Report and allowed him the opportunity to respond. In his response[26] to the Inquiry Report, he repeated comparable assertions as in his response[27] to our Inquiry Letter. He attributed the identified plagiarized text as either general, widely-used definitions of technical terms or standard technical procedures and thus were not a significant departure from accepted practices of the relevant research community. He contended that sources A, G, H, I and J were publications that he had never read or seen and that those sources also did not use appropriate citations or quotation marks. He contended that sources B, C, D, F, K and L were appropriately cited and that instead of using source E, he cited another similar publication[28] that had the same last author. He asserted that "citations and attributions [were] all diligently provided in [the] proposals" and that "[i]ntentional copying by itself is not intentional plagiarism" as he "had no intention to take any credit from any one" and "only modified the texts from [the] cited references, in order to provide more accurate meanings".[29]

University's Adjudication

The Vice Chancellor for Research (VCR)[30] of the University issued a research misconduct letter[31] of reprimand to the Subject stating that the allegation of plagiarism "fell within the definition of research misconduct" and "the allegation had substance but did not warrant a Full Investigation." The letter also stated the same findings as in the Inquiry Team's Report:

> "[a] significant departure from accepted practices of the relevant research community was evident in the two grant proposals submitted by [the Subject] to the NSF"; and
>
> "that copying significant portions of text without adequate attribution was committed intentionally and unquestionably constituted plagiarism. In addition, [ ] the allegation was proven by a preponderance of the evidence"; and

[25] Tab 12, pg 5.
[26] Tab 14: Subject's Response to the University Inquiry Report.
[27] Tab 8: Response from Subject.
[28] Reference #[redacted] in Award 1.
[29] Tab 14, pg 8.
[30] [redacted]
[31] Tab 15: Letter from VCR to Subject [redacted]

"although plagiarism was evident, [ ] it did not constitute a breach of scientific integrity and should therefore have no substantive impact on [the Subject]'s research record."[32]

The VCR noted that documentation of the Inquiry would be maintained for a period of seven years.

OIG's Investigation and Assessment

We assessed the University's Inquiry Report for completeness and accuracy and asked[33] the Subject if he had additional comments for us on the Inquiry Report. The Subject stated[34] he had no further comments.

We determined the University terminated its process at the inquiry phase because the Subject departed the University for a position[35] at another institution. We determined that the Inquiry Team's findings established that the Subject committed plagiarism. However we disagreed with the statement that "[i]n 11 of the 12 instances the copied material pertained to general definitions, and in 1 of 12 it pertained to standard technical procedures. In all cases the wording of the copied text is similar to that which is widely used and current in the field."[36] The 12 instances refer to sources A through L. We determined the text from sources G and I (and the identified text in A1 for Award 1) pertained to common definitions and therefore were removed from further consideration. We deemed that general definitions cannot be attributed to the other 10 instances, sources A (identified text A2) through F, H, J, K and L as the other articles or sites pointed out by the Subject had only similar wording or small segments of some exact wording. We deemed that denoting the copied material as a description of a standard technical procedure does not adequately excuse the identified plagiarized text L1 in Award 2 from source L.

We disagreed with the Inquiry Team's and the VCR's determination that the Subject's evident plagiarism did not constitute a breach of scientific integrity. The University's policy states "Research Misconduct (or "Misconduct") includes fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results" and "Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit."[37] These definitions match those of NSF.[38]

In the Subject's response[39] to the University's Inquiry Report, he questioned the standards in the appropriate use of quotations, citations and references. He also questioned the definition of intentional plagiarism and the determination of acceptable practices of the research

[32] Tab 15, pg 1.
[33] Tab 16: OIG Letter to Subject.
[34] Tab 17: Response from Subject.
[35] [redacted]
[36] Tab 12, pg 4.
[37] Tab 11, pg 3.
[38] 45 C.F.R. § 689.1.
[39] Tab 14: Subject's Response to the University Inquiry Report.

community. Therefore in the course of our investigation, we examined the Subject's ethics training, education/employment records and publication history.

The Subject stated that he has "voluntar[il]y taught ethics courses for the [ ] Department since 2009."[40] The University's Research Integrity Officer (RIO)[41] confirmed that the Subject "taught two hours of ethics per year from 2009 until 2012"[42] in a course[43] for the Department[44] which was required to be attended by all faculty members and students on an annual basis. In addition, the state "require[d] that all University employees complete general ethics training on an annual basis."[45]

A review of his biographical sketch that was included in Award 1,[46] revealed that although he received his bachelor's degree in a foreign country, he conducted Ph.D. training and obtained a Ph.D. in 2005 at a U.S. institution,[47] was an exchange student at another U.S. institution[48] and maintained an Assistant Professor position at the University before leaving for another position at a different U.S. institution.[49]

We examined ten peer-reviewed publications that were listed in the annual reports of Awards 1 or 2 and did not find any plagiarism. To determine the standards of the Subject's research community, we reviewed the policies of a journal[50] in which the Subject has published three articles[51] and served as the corresponding author. The journal's instructions to authors stipulate that:

"[redacted]."[52]

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[40] Tab 14, pg 10.
[41] [redacted]
[42] Tab 18, pg 1.
[43] The course was entitled [redacted]
[44] [redacted]
[45] Tab 18, pg 1.
[46] Tab 1, pgs 25-26.
[47] [redacted]
[48] [redacted]
[49] See footnote #35.
[50] [redacted]
[51] Article 1: [redacted]
Article 2: [redacted]
Article 3: [redacted]
[52] Tab 20: [redacted]

The Subject reproduced verbatim sequences of plagiarized text without quotation marks. Although the sources B, C, D, F, K and L were cited in Awards 1 and 2, the copied text was not appropriately demarcated with quotation marks and while he slightly changed some text, he failed to differentiate the words of others from his own. In consideration of the Subject's education, ethics training history, publication record and faculty appointments at U.S. institutions, we consider the Subject's actions to constitute a significant departure from the accepted practices of the U.S. research community. We found that the Subject did not properly apply quotation, citation and reference practices to give appropriate credit for the words of others.

In the Subject's response[53] to the University's Inquiry Report, he did acknowledge:

> "**I should be very careful with using quotations, paraphrasing cited sentences, and where in the sentence to put the citation.**"[54] and
>
> "Looking forward, I will use this inquiry process as a good lesson. I will exert due diligence in searching and eliminating text similarities. I will be very careful on using quotation marks and paraphrasing cited sentences. I will begin to use the text similarity search software to pre-scan my proposals."[55]

The Subject also volunteered to provide a written certification that "any grant proposals I submit do not contain any plagiarized content or otherwise misappropriated material."[56]

A finding of research misconduct by NSF 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.[57]

The Acts

We found that the subject copied 31.5 lines and 5 embedded references from 7 sources into Award 1. We also note that this same text was plagiarized into Proposal 1. We found that the Subject copied 13 lines from 3 sources in Award 2. In total, we found 44.5 lines of undistinguished text with 5 embedded references from 10 sources. We conclude the Subject's actions constitute plagiarism under NSF's definition. We also conclude the Subject's actions constitute a significant departure from accepted practices of the research community.

Intent

As the embedded references were located in the same position in the plagiarized text as in the sources D and F but renumbered to follow the proposal's reference list, this supported a

[53] Tab 14: Subject's Response to the University Inquiry Report.
[54] Tab 14, pg 1. Bold emphasis was added by the Subject.
[55] Tab 14, pg 11.
[56] Tab 14, pg 11.
[57] 45 C.F.R. § 689.2(c).

knowing level of intent. The use of parentheses with the exact enclosed words located in the exact same part of the sentence as in sources C and L also supported a knowing level of intent. The act of copying text without the appropriate use of quotations, citations and references is a knowing act. Given his education/training background, publication history and faculty position, we expect the Subject would be fully aware of scholarly standards in submitting proposals to the NSF. We conclude that the Subject knowingly included plagiarized text in his proposals.

Standard of Proof

The preponderance of the evidence supports that the Subject knowingly plagiarized 31.5 lines with 5 embedded references from 7 sources in both Award 1 and Proposal 1 and 13 lines from 3 sources in Award 2, thereby committing an act of research misconduct.[58]

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.[59]

Seriousness

The Subject's actions are a violation of the standards of scholarship and research ethics within the research community. The Subject knowingly plagiarized text in two awarded NSF proposals and one declined NSF proposal. The Subject's lack of understanding of the definition of plagiarism and improper quotation, citation and reference practices did not diminish the seriousness of his actions. By including the text composed by others in three proposals, in which two were awarded, the Subject misrepresented his own efforts to the reviewers. The NSF Grant Proposal Guide (GPG) states:

> 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. Authors 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. NSF policies and rules on research misconduct are discussed in the AAG Chapter VII.C as well as in 45 CFR Part 689 (GPG section I.D.3).

Pattern of Behavior

Plagiarism was found in Proposal 1, Awards 1 and 2. We did not identify any pattern of plagiarism in the proposals that the Subject subsequently submitted to NSF.

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[58] 45 C.F.R. § 689.
[59] 45 C.F.R. § 689.3(b).

Impact on the Research Record

Since the NSF proposals, Awards 1 and 2, were awarded, we conclude that the Subject's actions did have an impact on the research community. However, we did not find any plagiarism warranting further review in the ten publications listed in the annual reports for Awards 1 and 2.

Subject's Response to Draft Report

In the Subject's response[60] to our draft investigation report,[61] he reiterated comments that were conveyed in his response to the University's Inquiry Report.[62] We conclude that the Subject's response does not alter our original determinations and recommendations.

Recommendations

Based on the evidence, OIG recommends NSF take the following actions:

- Send the Subject a letter of reprimand notifying him that NSF has made a finding of research misconduct.[63]
- Require the Subject to certify to the Assistant Inspector General for Investigations (AIGI) his completion of a responsible conduct of research training program and provide documentation of the program's content within 1 year of NSF's finding.[64] The instruction should be in an interactive format (*e.g.*, an instructor-led course) and specifically include plagiarism.

For a period of one year immediately following NSF's finding:

- Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF.[65]
- Require for each document (proposal, report, etc.) to which the Subject contributes for submission to NSF (directly or through an institution),
    - the Subject submit a contemporaneous certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication.[66]

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[60] Tab 21: Response from Subject [redacted]
[61] Tab 22: Letter to Subject with Draft ROI [redacted]
[62] See Tab 14.
[63] A Group I action 45 C.F.R. 689.3(a)(1)(i).
[64] This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).
[65] A Group III action 45 C.F.R. 689.3(a)(3)(ii).
[66] 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
DIRECTOR

FEB 25 2014

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

[redacted]

Re: Notice of Research Misconduct Determination

Dear [redacted]

You served as Principal Investigator (PI) on a proposal funded by the National Science Foundation (NSF) entitled, "[redacted]" (Award 1). You also served as PI on an NSF funded proposal entitled "[redacted]" (Award 2). As documented in the attached Investigative Report prepared by NSF's Office of Inspector General (OIG), both proposals 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;

(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).

As the NSF OIG concluded, both your Award 1 and Award 2 proposals contained copied material. Award 1 contained 31. 5 lines of copied material and five embedded references from seven sources. Award 2 contained thirteen lines of copied material from three sources, making a total of 44.5 lines and five embedded references copied from ten sources. Notably, the embedded references had been renumbered from the copied text to the proposals. Your submission of proposals with copied material constitutes plagiarism and meets the applicable definition of "research misconduct" set forth in NSF's regulations.

Pursuant to NSF's 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 OIG's 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, consequently, 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 other relevant circumstances. 45 CFR 689.3(b).

After assessing the relevant facts and circumstances of this case and NSF's regulations, I am taking the following actions:

- Within one year of the date of this notice, you must complete a responsible conduct of research training program, for which the instruction should be an interactive format (e.g., an instructor-led course) and which specifically includes plagiarism. You must provide documentation of the program's content and proof of its completion to the OIG; and
- For a period of one year from the date of this notice, you are required to submit certifications to the OIG that any proposal or report you submit to NSF as a Principal Investigator (PI) or co-PI does not contain plagiarized, falsified or fabricated material.

All certifications and assurances should be submitted in writing to NSF's Office of Inspector General, 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 finding, 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, the decision on the finding of research misconduct will become final.

For your information, we are attaching a copy of the applicable regulations. Should you have any questions about the foregoing, please contact Peggy Hoyle, Deputy General Counsel, at (703) 292-8060.

Sincerely,

Fae Korsmo
Senior Advisor to the Director

Enclosures:
Investigative Report
45 CFR Part 689

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230

OFFICE OF THE
DEPUTY DIRECTOR

APR 29 2014

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

[redacted]

Re: Research Misconduct Final Determination

Dear [redacted]

On February 25, 2014, the National Science Foundation (NSF) issued you a Notice of Research Misconduct Determination (the Notice). As reflected in the Notice, you served as Principal Investigator on two proposals for funding to the NSF, and as documented in the Investigative Report prepared by NSF's Office of Inspector General (OIG), both proposals contained plagiarized material.[1] Following careful review of the OIG report and the evidence, NSF determined that, based on a preponderance of the evidence, your plagiarism was committed knowingly and constituted a significant departure from the accepted practices of your research community.[2]

Accordingly, NSF took the following actions:

- Within one year of the date of the Notice, you must complete a responsible conduct of research training program, for which the instruction should be an interactive format (e.g., an instructor-led course) and which specifically includes plagiarism. You must provide documentation of the program's content and proof of its completion to the OIG; and
- For a period of one year from the date of the Notice, you are required to provide certifications to the OIG that any proposal or report you submit to NSF as a Principal Investigator (PI) or co-PI does not contain plagiarized, falsified or fabricated material.

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[1] The proposal from the first award was entitled, "[redacted]" (Award 1). The proposal from the second award was entitled "[redacted]" (Award 2). Award 1 contained 31.5 lines of copied material and five embedded references from seven sources. Award 2 contained thirteen lines of copied material from three sources.

[2] 45 CFR 689.2 (c).

On or about March 24, 2014, you filed a timely notice of appeal. In this response, you claimed that the OIG Report relied, in several instances, upon "falsified data," in that certain data were "selectively omitted." Nevertheless, none of the purported "selective" omissions, even if found, adequately explain how the lines of copied text appeared in both proposals without proper attribution. In fact, the preponderance of the evidence continues to suggest that this plagiarism was committed knowingly and represents a significant departure from the standards of your research community.

I have taken into account the circumstances you cite in your response, including your assertion that taking a responsible conduct of research training program will not be meaningful to you. I have concluded that NSF's determination that you engaged in research misconduct was appropriate, and, in accordance with 45 CFR 689.10, that determination, and the accompanying actions, are now final. You should proceed to undertake those actions within the timeframes specified.

Should you have any questions about the foregoing, please contact Peggy Hoyle, Deputy General Counsel, at 703-292-8060.

Sincerely,

Cora B. Marrett

Cora B. Marrett
Deputy Director