



NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

## CLOSEOUT MEMORANDUM

Case Number: A11100071

Page 1 of 1

NSF OIG received an allegation that a PI (Subject 1)<sup>1</sup> and Co-PIs (Subject 2<sup>2</sup> and Subject 3<sup>3</sup>) submitted an NSF proposal<sup>4</sup> containing plagiarism. Our inquiry determined that nine of the 13.5 pages of the Proposal's project description were almost entirely copied. We referred the matter to the Subject's University.<sup>5</sup>

The University's investigation concluded, based on a preponderance of the evidence, that Subjects 1 and 2 intentionally, knowingly, and recklessly committed plagiarism, deemed a significant departure from accepted practices, and took actions to protect the University's interests.

We adopted the University's findings in part, but conducted our own investigation to further review the matter. Our investigation determined that Subject 2 intentionally and Subject 1 knowingly committed plagiarism, and found that Subjects 1 and 2 exhibited a pattern of plagiarism. We recommended actions to be taken to protect the federal interest. The Senior Advisor to the Director concurred with our recommendations.

Additionally, we sent Subject 3 a Questionable Practice Letter reminding him of his responsibilities regarding NSF proposals bearing his name.

This memo, the attached Report of Investigation, and letters from the Senior Advisor to the Director constitute the case closeout. Accordingly, this case is closed.

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(Declined).

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# National Science Foundation Office of Inspector General



## Report of Investigation Case Number A11100071

March 27, 2013

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### Executive Summary

**Allegation:** Plagiarism.

**OIG Inquiry:** OIG identified 12 sources from which approximately 229 lines and four figures were copied into one NSF proposal. The copied text constituted approximately nine of the Proposal's 13.5 page project description. OIG referred investigation of the matter to the Subject's home institution.

**University  
Investigation  
and Action:**

The University concluded, based on a preponderance of the evidence, that Subjects 1 and 2 intentionally, knowingly, and recklessly committed plagiarism, deemed a departure from accepted practices. It concluded that Subject 3 did not commit plagiarism, but was careless in not identifying that material was improperly cited.

The University required the Subjects to complete online training and attend a workshop on the responsible conduct of research. Subjects 1 and 2 were also assigned a mentor to assist them with grant proposals for at least three years.

**OIG  
Assessment:**

- **The Act:** Subjects 1 and 2 plagiarized 229 lines and four figures into one NSF proposal.
- **Intent:** Subject 2 acted intentionally; Subject 1 acted knowingly.
- **Standard of Proof:** A preponderance of evidence supports the conclusion that the Subjects committed plagiarism.
- **Significant Departure:** The Subjects' plagiarism represents a significant departure from accepted practices.
- **Pattern:** Plagiarism identified in a published article and a University proposal.

**OIG  
Recommends:**

- Make a finding of research misconduct against Subjects 1 and 2.
- Send Subjects 1 and 2 a letter of reprimand.
- Debar Subjects 1 and 2 for a period of 1 year.
- Require certifications from Subjects 1 and 2 for a period of three years following debarment period.
- Require assurances from Subjects 1 and 2 for a period of three years following debarment period.
- Require certification of attending a comprehensive responsible conduct of research training class within one year.
- Bar Subjects 1 and 2 from participating as a peer reviewer, advisor, or consultant for NSF for a period of three years following debarment period.

**OIG's Inquiry**

OIG conducted an inquiry into an allegation that an NSF proposal (Proposal<sup>1</sup>) contained copied text. We reviewed the Proposal and found, as illustrated below, that 229 lines and four figures, constituting nine of the 13.5 pages of the project description,<sup>2</sup> were almost entirely copied from 12 sources<sup>3</sup>:

Source	Proposal
A (website)	62 lines
B (website)	21 lines, 1 figure
C (website)	35 lines, 2 figures
D (website)	5 lines
E (article)	26 lines, 1 figure
F (product information)	3 lines
G (website)	2 lines
H (website)	9 lines
I (product information)	45 lines
J (website)	4 lines
K (article)	6 lines
L (article)	11 lines
<b>Total</b>	<b>229 lines, 4 figures</b>

The font size, font style, and spacing differed throughout the Proposal and the Proposal contained textual inconsistencies and errors. For example, material from Source E, a two-column article, appeared to be cut and pasted into the Proposal in such a way that it included a line from one column, followed by a line from the other column, creating a nonsensical paragraph.<sup>4</sup> Additionally, the Proposal's Works Cited section contained only nine sources, consisting of an incorrect Wikipedia link,<sup>5</sup> a copied embedded reference, Source L, and embedded references from Source L that were not referenced in the Proposal.<sup>6</sup>

We contacted the Proposal's PI (Subject 1)<sup>7</sup> and Co-PIs (Subject 2<sup>8</sup> and Subject 3<sup>9</sup>) regarding the allegations.<sup>10</sup> In their joint response,<sup>11</sup> the Subjects said "We do not consider any part

<sup>1</sup>Tab 1: [REDACTED], entitled [REDACTED]  
[REDACTED] (Declined).

<sup>2</sup>Pages not containing plagiarism consisted of large figures with minimal text.

<sup>3</sup>Tab 2.

<sup>4</sup>Tab 1, pg 10-11.

<sup>5</sup>Reference 1 in the Words Cited section was <http://en.wikipedia.org/wiki/L>, a Wikipedia page about the letter L.

<sup>6</sup>Tab 1, pg. 20.

<sup>7</sup>[REDACTED]

<sup>8</sup>[REDACTED]

<sup>9</sup>[REDACTED]

<sup>10</sup>Tab 3.

<sup>11</sup>Tab 4.

of the proposal as an act of alleged plagiarism,”<sup>12</sup> adding “we believe that we are the first who proposed such set of projects for students’ education and research at the sophomore level.”<sup>13</sup> They stated, “We agree that we should exactly adhere to NSF rules regarding plagiarisms but we also believe that for our 2 years college we would like to improve ‘**undergraduate laboratories design and research projects**,’”<sup>14</sup> noting “we would like to remind that the aim of the proposal is pedagogical . . .”<sup>15</sup> The Subjects reviewed our annotations and argued the Proposal either included references or included material that elsewhere appears uncited. Nonetheless, they said, “We accepted that we sometimes have not given the complete set of references mainly due to technical constrains”<sup>16</sup> and concluded:

We feel that although we have had some oversights in referencing other sources in our proposal, they have not been done intentionally. We feel that they are due more to using a single reference multiple times without explicitly stating so. The sources that were identified in your letter to us have generic descriptions of the content that we use in our proposal and differ sufficiently in technical details from our proposal. For these reasons we did not consider them as references.<sup>17</sup>

We determined the response did not dispel the allegation. First, it provided contradictory statements; though the Subjects state the Proposal does not contain plagiarism, they acknowledge that portions were inappropriately cited. Second, it contained inaccurate information; though the Subjects state that the sources are referenced in the Proposal, their Works Cited section contains nine references of which only three are directly connected to text in the proposal. Last, though the Subjects argue that the allegedly copied text is technically constrained, the amount of copied material makes this explanation implausible. Based on our inquiry, we concluded there was sufficient evidence to proceed to an investigation.

### University Investigation

Consistent with our policy, we referred the investigation to the University.<sup>18</sup> The University, consistent with its policies,<sup>19</sup> convened a Committee, which produced a Report that it provided to our office.<sup>20</sup> The Committee concluded, based on the preponderance of evidence, that Subjects 1 and 2 “committed plagiarism as defined by NSF regulations and that this was performed intentionally, knowingly, and recklessly.”<sup>21</sup>

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<sup>12</sup> Tab 4, pg 1. All quoted material herein in *sic*.

<sup>13</sup> Tab 4, pg 1.

<sup>14</sup> Tab 4, pg 1. Emphasis as in original.

<sup>15</sup> Tab 4, pg 1.

<sup>16</sup> Tab 4, pg 1.

<sup>17</sup> Tab 4, pg 7.

<sup>18</sup> Tab 5.

<sup>19</sup> Tab 6.

<sup>20</sup> Tab 7.

<sup>21</sup> Tab 7, Report, pg 10.

The Committee determined that Subject 2 drafted "all parts of the proposal which were plagiarized"<sup>22</sup> and provided "incongruent" information during his interview.<sup>23</sup> It said that Subject 2 "freely admitted that he took materials from other sources, which he considered to be 'common knowledge,'"<sup>24</sup> but claimed he did not commit plagiarism because "plagiarism refers to using new physical ideas without credit and does not refer to copying words describing old physical ideas."<sup>25</sup> Subject 2 "asserted that his use of materials written by others is appropriate according to NSF rules and according to his sense that a different standard for plagiarism applies to educational as opposed to scientific proposals."<sup>26</sup> He also said that using the words of others instead of his own language "would make the proposal easier for the reviewer to read and so be beneficial,"<sup>27</sup> and that "He spent years developing the ideas for this proposal, why should he now spend additional months formulating his own words for standards aspects of the proposal."<sup>28</sup>

The Committee concluded "The clear evidence of extensive copying of source materials and the admission by [Subject 2] that he has done this makes it clear that [he] committed plagiarism intentionally and knowingly."<sup>29</sup> It further "concluded that the plagiarism by [Subject 2] was committed without careful examination of each act or its consequences even though this act falls outside the boundaries of acceptable behavior within the physics community. In this regard, the act of plagiarism was reckless."<sup>30</sup>

Regarding Subject 1, the Committee determined that he "reviewed and added to the proposal after [Subject 2] completed the first draft"<sup>31</sup> and "was aware at some level that portions of the proposal were copied and that sources were not cited appropriately."<sup>32</sup> It said Subject 1 "expressed the view that the proposal was not plagiarized since there could be no concern of plagiarism in a description of an old and established experiment in physics" and "asserted that there is a difference between a scientific proposal and an educational proposal."<sup>33</sup> He argued that "some of the sources could not be properly quoted according to NSF guidelines on referencing since they are taken from

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<sup>22</sup> Tab 7, Report, pg 10.

<sup>23</sup> Tab 7, Appendices, Appendix 11, pg 4.

<sup>24</sup> Tab 7, Report, pg 6.

<sup>25</sup> Tab 7, Report, pg 6.

<sup>26</sup> Tab 7, Report, pg 6.

<sup>27</sup> Tab 7, Report, pg 6.

<sup>28</sup> Tab 7, Appendices, Appendix 11, pg 4.

<sup>29</sup> Tab 7, Report, pg 8.

<sup>30</sup> Tab 7, Report, pg 8.

<sup>31</sup> Tab 7, Report, pg 7.

<sup>32</sup> Tab 7, Report, pg 10.

<sup>33</sup> Tab 7, Report, pg 7.

the web or from manuals and do not have page numbers”<sup>34</sup> and even “cit[ed] examples from history where there was plagiarism to support his claim that the proposal does not contain evidence of plagiarism: [such as] ‘Einstein published his paper and potentially plagiarized from others... his work is not totally original.’”<sup>35</sup>

The Committee concluded Subject 1 acted intentionally and knowingly because:

According to [Subject 1], he was deeply involved in reviewing the proposal after the first draft. In addition, it was clear to the Committee from his responses during the interview that the question of proper use of language seemed to be as much on his mind as it was for [Subject 2].<sup>36</sup>

It also found that Subject 1 acted recklessly, because he “did not carefully consider the consequence of his actions acted without regard for the strongly held conviction within the research community that plagiarism is not acceptable.”<sup>37</sup>

The Committee determined Subjects 1 and 2’s actions constituted a significant departure from accepted practices in its research community. It wrote:

The community recognizes that taking material from others without attribution is plagiarism and recognizes no distinction in this regard between scientific and educational proposals. Further the extent of the plagiarism in this proposal makes this case an even greater departure from accepted practices.<sup>38</sup>

Conversely, the Committee concluded that Subject 3 “did not commit plagiarism intentionally or knowingly,” but rather “was careless not to have noticed departures from standard practice in the referencing within the proposal.”<sup>39</sup> It added that:

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<sup>34</sup> Tab 7, Report, pg 7. The Subjects provide an Analysis of NSF Sources (Tab 7, Appendices, Appendix 12). In it, they argued that five OIG-identified online sources were themselves not able to be referenced according to NSF’s rules, as they did not contain all of NSF’s required elements for referencing. For example, regarding Source A, they wrote:

According to NSF rules “in providing citations for source materials relied upon when preparing any section of the proposal. (Reference GPG Chapter II.C.2.e) e. **References Cited**”. Each reference must include the names of all authors (in the same sequence in which they appear in the publication), the article and journal title, book title, volume number, page numbers, and year of publication. If the document is available electronically, the website address also should be identified”. **This reference is not valid according to NSF rules.**

We note that the Subjects made this argument despite their Works Cited section including a non-paginated, author-identified (and incorrect link to a) Wikipedia page.

<sup>35</sup> Tab 7, Appendices, Appendix 11, pg 5.

<sup>36</sup> Tab 7, Report, pg 8.

<sup>37</sup> Tab 7, Report, pg 9

<sup>38</sup> Tab 7, Report, pg 8.

<sup>39</sup> Tab 7, Report, pg 10.

His endorsement of the response to January 6, 2012 NSF letter denying plagiarism, after extensive copying without proper citation was pointed out, represents a reckless disregard for standard practices and accepted definitions of plagiarism.<sup>40</sup>

Subject 3 told the Committee that “he did not contribute to the narrative portion of the grant and did not review this portion of the proposal,” but that he contributed “issues of pedagogy and intellectual merit, firmed up the budget narrative and liaised with [Subject 1] and the grant office.”<sup>41</sup> He said that “upon receipt of NSF’s letter to him, dated January 6, 2012, he did not review the citations and relied on his Co-PIs even though the letter clearly outlined the extensive copying that took place.”<sup>42</sup> However, he said “he now believes that plagiarism was committed in writing the proposal and expressed regret that he so completely trusted his Co-PIs who were more expert in the subject matter of the proposal than he.”<sup>43</sup>

The Committee examined other publications by the Subjects.<sup>44</sup> It found that the abstracts and introductions of a University proposal, on which Subject 2 was PI and Subject 1 was Co-PI, contained a few sentences that “were copied without being cited.”<sup>45</sup> It concluded there were “previous instances of plagiarism, although not as egregious as in the NSF proposal.”<sup>46</sup>

The Committee also reviewed whether the Subjects had taken responsible conduct of research training, and found they had not because “at the time the proposal was submitted such training was voluntary.”<sup>47</sup> It noted however that, as of August 1, 2012, “all faculty and students engaged in research at the University are required to complete online training in the responsible conduct of research.”<sup>48</sup>

Lastly, regarding whether the Subjects’ actions had a significant impact on the research community, the Committee determined that the Proposal “may have had an unfair advantage over proposals submitted by others who wrote their proposals using their own words.”<sup>49</sup> It added that “the disregard for accepted standards regarding plagiarism has the effect of encouraging laxness at all levels of the scientific enterprise.”<sup>50</sup>

### **Subject Responses to University Report**

The University provided the Subjects with the Report for comment, and Subjects 1 and 2 provided responses. In his response, Subject 2 stated:

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<sup>40</sup> Tab 7, Report, pg 10.

<sup>41</sup> Tab 7, Report, pg 5.

<sup>42</sup> Tab 7, Report, pg 6.

<sup>43</sup> Tab 7, Report, pg 6.

<sup>44</sup> Tab 7, Appendices, Appendix 9. Specifically, the Committee reviewed one publication from Subject 1, three publications from Subject 2, two publications from Subject 3, and two University proposals from Subjects 1 and 2.

<sup>45</sup> Tab 7, Report, pg 9.

<sup>46</sup> Tab 7, Report, pg 9.

<sup>47</sup> Tab 7, Report, pg 10.

<sup>48</sup> Tab 7, Report, pg 9-10.

<sup>49</sup> Tab 7, Report, pg 9

<sup>50</sup> Tab 7, Report, pg 9.

I agree and accept that at the time of writing this NSF proposal, I have copied words in some cases with references in some cases without appropriate references (without intent to break any rules or regulations), because I have used common descriptions of well-known experiments and at that time I did not know that such action is classified as plagiarism.<sup>51</sup>

He concluded that “after the initial contact with NSF and when I have read and studied the NSF regulations and papers defining plagiarism, I agree and accept that my understanding of plagiarism was wrong and unacceptable in the academic and scientific community.”<sup>52</sup>

Subject 1,<sup>53</sup> in his response, said he disagreed with the University’s finding “simply because I did not write [the Proposal].”<sup>54</sup> He argued that “The decision for me to be PI of the project was completely ‘gentlemen’, since [Subject 3] is a chair of the Department, and, hence, was extremely busy.”<sup>55</sup> He added “I also have heard from members of Committee that they believe that I belong to a ‘different culture’, where apparently rules of honesty are different even though my PH.D. is from this country.”<sup>56</sup> Despite acknowledging “that we have been careless and not rigorous enough in our researching to provide adequate citations,” he reiterated that “We did provide citations to all sources, but did not repeat them in all places” and that “we have found at least two similar passages in general literature which, according to NSF rules as I understood, does not qualify as being the act of plagiarism.”<sup>57</sup> He concluded:

I now understand the definition of plagiarism as defined by NSF and [the University]. From now on I will be very careful and diligent to follow closely rules and regulations, regarding proposal applications.<sup>58</sup>

### University Adjudication

Based on its finding, the University required that Subjects 1, 2, and 3 complete online Responsible Conduct of Research (RCR) training and attend an RCR workshop, and provide the University documentation of completion. Additionally, the University assigned Subjects 1 and 2 a mentor to assist with future internal and external grant proposals for at least three years.<sup>59</sup>

<sup>51</sup> Tab 7, Subject 2 Response.

<sup>52</sup> Tab 7, Subject 2 Response.

<sup>53</sup> Subject 1, in his response, said: “When I called to NSF agent for additional explanation, she advised me ‘not to write a lot’ in response. In our response to NSF we focused on our adherence to NSF rules about similar descriptive language and did not elaborate due to this advice” (Tab 7, Subject 1 Response, pg 1). We dispute this account. As with all subjects, we instructed Subject 1 to provide as much information as he wanted to present his side of the story.

<sup>54</sup> Tab 7, Subject 1 Response, pg 1.

<sup>55</sup> Tab 7, Subject 1 Response, pg 1.

<sup>56</sup> Tab 7, Subject 1 Response, pg 1.

<sup>57</sup> Tab 7, Subject 1 Response, pg 1.

<sup>58</sup> Tab 7, Subject 1 Response, pg 2.

<sup>59</sup> Tab 8.

### OIG's Assessment of the University Investigation Report

OIG invited the Subjects' comments<sup>60</sup> on the University Report, however they chose not to respond.

OIG assessed the Report for accuracy and completeness, and did not find the Report to be either fully accurate or complete. Specifically, the Report was inaccurate in its assessment of pattern, and was incomplete in failing to identify the standards of the Subjects' research community and in assessing the Subjects' specific levels of intent. The University however did follow reasonable procedures in conducting its investigation, and produced an acceptable evidentiary record with respect to the matters it did address. We therefore adopted the findings in part, but could not accept the report in its totality in lieu of conducting our own investigation.

One finding we adopted was the University's determination regarding Subject 3. Based on the Subjects' statements, we concurred that Subject 3 did not himself commit plagiarism, but rather acted carelessly in attaching his name to a Proposal without adequately reviewing the document. We further found that Subject 3 acted extremely recklessly in attaching his name to a federal inquiry response without so much as even reviewing the allegation or response. This act however does not constitute research misconduct and Subject 3 is removed from further review.

### OIG's Investigation

Upon further review of documents, we identified a more significant pattern of plagiarism.<sup>61</sup> Specifically, we identified a publication Subjects 1 and 2 co-authored<sup>62</sup> containing 34 lines and 10 embedded references copied from three sources,<sup>63</sup> and found that Subjects 1 and 2 had copied almost all of this same text in their University proposal.<sup>64</sup> We concluded that Subjects 1 and 2 committed plagiarism not just in an educational proposal, but also in a published scientific paper, directly contradicting their repeated statements of being more conscientious when writing 'scientific' materials.

We examined the ethical guidelines of the Subjects' leading professional association;<sup>65</sup> Subject 1 authors material for the association's journals<sup>66</sup> and Subject 2 routinely presents at an association-sponsored conference.<sup>67</sup> The association's website and journal guidelines<sup>68</sup> include "Guidelines for Professional Conduct" that state "Plagiarism constitutes unethical scientific behavior and is never acceptable"<sup>69</sup> and that provide links to other relevant professional conduct

<sup>60</sup> Tab 9.

<sup>61</sup> Our review of the Report found that the Committee appropriately assessed the plagiarism detection software reports, but did not remove from the analysis works the Subjects themselves authored and re-run the reports.

<sup>62</sup> [REDACTED]

<sup>63</sup> Tab 10 contains the article and sources, with identical text highlighted.

<sup>64</sup> Our review identified copied text therein that the Committee had not noted.

<sup>65</sup> American Physical Society.

<sup>66</sup> [REDACTED]

<sup>67</sup> [REDACTED]

<sup>68</sup> <http://publish.aps.org/authors/professional-conduct-ethics>.

<sup>69</sup> [http://www.aps.org/policy/statements/02\\_2.cfm](http://www.aps.org/policy/statements/02_2.cfm).

statements. The association also has "Policies for Handling Allegations of Research Misconduct"<sup>70</sup> and materials focusing on ethics case studies and training.<sup>71</sup> Subjects 1 and 2 thereby violated the accepted practices of the relevant research community by not properly acknowledging others' contributions in their Proposal.

We next examined the Subjects' specific levels of intent. The Report stated that Subjects 1 and 2 acted intentionally, knowingly, and recklessly, which it based on the Subjects' own statements regarding Proposal preparation.<sup>72</sup> It did not however explain how it concluded the subjects actions were committed at multiple levels of intent. We reviewed their educational and professional history, as described in their Biographical Sketches.<sup>73</sup> We determined both Subjects 1 and 2 had adequate experience in the U.S. academic environment. Although Subject 1 received his bachelors and masters degrees outside the U.S.,<sup>74</sup> he received his Ph.D. from a U.S. institution.<sup>75</sup> Similarly, though Subject 2 received his undergraduate and graduate education outside the U.S.,<sup>76</sup> all of his academic appointments were held in the U.S.<sup>77</sup> Additionally, both Subjects author publications in English language, U.S.-based journals and present at conferences; Subject 2 has even filed patents with the U.S. Patent and Trademark Office.<sup>78</sup> Given their educational and professional experience, Subjects 1 and 2 reasonably knew what constituted adequate attribution of other author's text.

We reviewed the Subjects' statements to the Committee. We noted that Subject 2 acknowledged his belief that using others' text would positively facilitate reviewer comprehension.<sup>79</sup> We further noted his rather bold statement: "He spent years developing the ideas for this proposal, why should he now spend additional months formulating his own words for standards aspects of the proposal."<sup>80</sup> His statements strongly suggest that he made a conscious decision to improve his proposal and simplify the process by copying others' works. Based on his statements and the extent of copied text, we conclude Subject 2 acted intentionally in plagiarizing what amounted to more than half of the Proposal's project description.

Subject 1, in his statements, contested the Committee's assessment regarding intent stating that he himself did not write the Proposal, but rather allowed Subject 2 to assign him as PI as a kindness. The Report however, based on the Subject's statements, determined that he reviewed and revised the Proposal before submission. It concluded that Subject 1 was directly involved in the Proposal's composition, unlike Subject 3 who "did not contribute to the narrative portion of the grant and did not review this portion of the proposal."<sup>81</sup> Additionally, though perhaps a kindness, Subject 1 was named PI on a proposal requesting federal funds; doing so brings with it

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<sup>70</sup> [http://www.aps.org/policy/statements/02\\_3.cfm](http://www.aps.org/policy/statements/02_3.cfm).

<sup>71</sup> <http://www.aps.org/programs/education/ethics/index.cfm>.

<sup>72</sup> Tab 11.

<sup>73</sup> Tab 1, pg 21-24.

<sup>74</sup> [REDACTED]

<sup>75</sup> [REDACTED]

<sup>76</sup> [REDACTED]

<sup>77</sup> [REDACTED]

<sup>78</sup> Tab 1, pg 24.

<sup>79</sup> Tab 7, Report, pg 6.

<sup>80</sup> Tab 7, Appendices, Appendix 11, pg 4.

<sup>81</sup> Tab 7, Report, pg 5.

responsibilities. We conclude Subject 1 acted knowingly in submitting a Proposal on which he was named PI that contained extensive and blatant plagiarism.

### **OIG's Assessment**

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.<sup>82</sup>

#### *The Acts*

The University concluded that Subjects 1 and 2 plagiarized 229 lines and four figures into one declined NSF proposal. The plagiarized text constituted nine of the Proposal's 13.5 page project description. OIG concurs with the Report that the Subjects' actions constitute plagiarism.

The Report found the Subjects' acts constituted a significant departure from accepted practices, but did not adequately identify accepted practices. Our investigation determined the subjects actions deviated from accepted standards within their research discipline and conclude that the acts did indeed constitute a significant departure.

#### *Intent*

The University's Report was ambiguous regarding level of intent, determining Subjects 1 and 2 both acted intentionally, knowingly, and recklessly. Based on the Subjects' professional background and our investigatory review, as described above, we conclude that Subject 2 intentionally and Subject 1 knowingly copied extensive material into the Proposal.

#### *Standard of Proof*

OIG concludes that the Subjects' actions and intent were proven based on a preponderance of the evidence.

OIG concludes by a preponderance of the evidence, that Subject 2 intentionally and Subject 1 knowingly plagiarized, thereby committing an act of research misconduct.<sup>83</sup>

### **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

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<sup>82</sup> 45 C.F.R. §689.2(c).

<sup>83</sup> 45 C.F.R. part 689.

impact on the research record, research subjects, other researchers, institutions or the public welfare; and (5) Other relevant circumstances.<sup>84</sup>

#### Seriousness

The Subjects' actions are a serious violation of the standards of scholarship and the tenets of general research ethics. The Proposal they submitted to NSF in an attempt to receive federal funds was almost entirely copied from other's works. Copied text serves to misrepresent one's body of knowledge, presenting reviewers with an inaccurate representation of a proposal's respective merit. Furthermore, the seriousness is compounded by the fact that neither Subject understood the seriousness of the matter during the inquiry process nor even now seemingly understand appropriate citation practices regarding educational proposals.

#### Pattern

The Report concluded that Subjects 1 and 2 copied material into a University proposal, constituting a pattern of plagiarism. Our review however compounded a finding of pattern in identifying plagiarism in a published scientific article that Subjects 1 and 2 authored. This finding directly contradicts their assertion that they believed the act of using others' text is unacceptable in scientific materials, while acceptable in education proposals.

#### Aggravating Factor

Though the fact pattern clearly warrants debarment for Subject 2, we conclude that Subject 1's actions also warrant debarment. First, throughout the process, Subject 1 never accepts the inherent responsibility of being named PI on a federal grant proposal. Second, during the investigation, Subject 1 demonstrated a continued misunderstanding of NSF's referencing guidelines, in his assertion that the sources we identified were themselves not able to be referenced according to NSF's rules. Last, Subject 1, in his response to the University's Report, continues to incorrectly assert that "we did provide citations to all sources, but did not repeat them in all places," again indicating he does not understand the import of his actions and preventing recurrence.<sup>85</sup> We conclude that Subject 1's actions warrant a one-year debarment.

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<sup>84</sup> 45 C.F.R. § 689.3(b).

<sup>85</sup> Tab 7, Subject 1 Response, pg 1.

### Recommendation

Based on the evidence, OIG recommends that NSF:

- Send Subjects 1 and 2 a letter of reprimand notifying them that NSF has made a finding of research misconduct.<sup>86</sup>
- Require Subjects 1 and 2 to certify their compliance with the requirements imposed by the University as a result of its investigation.
- Require Subjects 1 and 2 to certify to the Assistant Inspector General for Investigations (AIGI) their completion of a responsible conduct of research training program and provide documentation of the program's content within 1 year of NSF's finding.<sup>87</sup> The instruction should be in an interactive format (*e.g.*, an instructor-led course) and specifically include information regarding plagiarism and appropriate citation practices.
- Debar Subjects 1 and 2 for 1 year.<sup>88</sup>

OIG further recommends that for a period of 3 years immediately following the debarment period, NSF:

- Bar Subjects 1 and 2 from participating as a peer reviewer, advisor, or consultant for NSF.<sup>89</sup>
- Require for each document (proposal, report, etc.) to which Subjects 1 and 2 contribute for submission to NSF (directly or through their institution),
  - the Subject to submit a contemporaneous certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication.<sup>90</sup>
  - the Subject to submit contemporaneous assurances from a responsible official of their employer to the AIGI that the document does not contain plagiarism, falsification, or fabrication.<sup>91</sup>

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<sup>86</sup> A Group I action 45 C.F.R. 689.3(a)(1)(i).

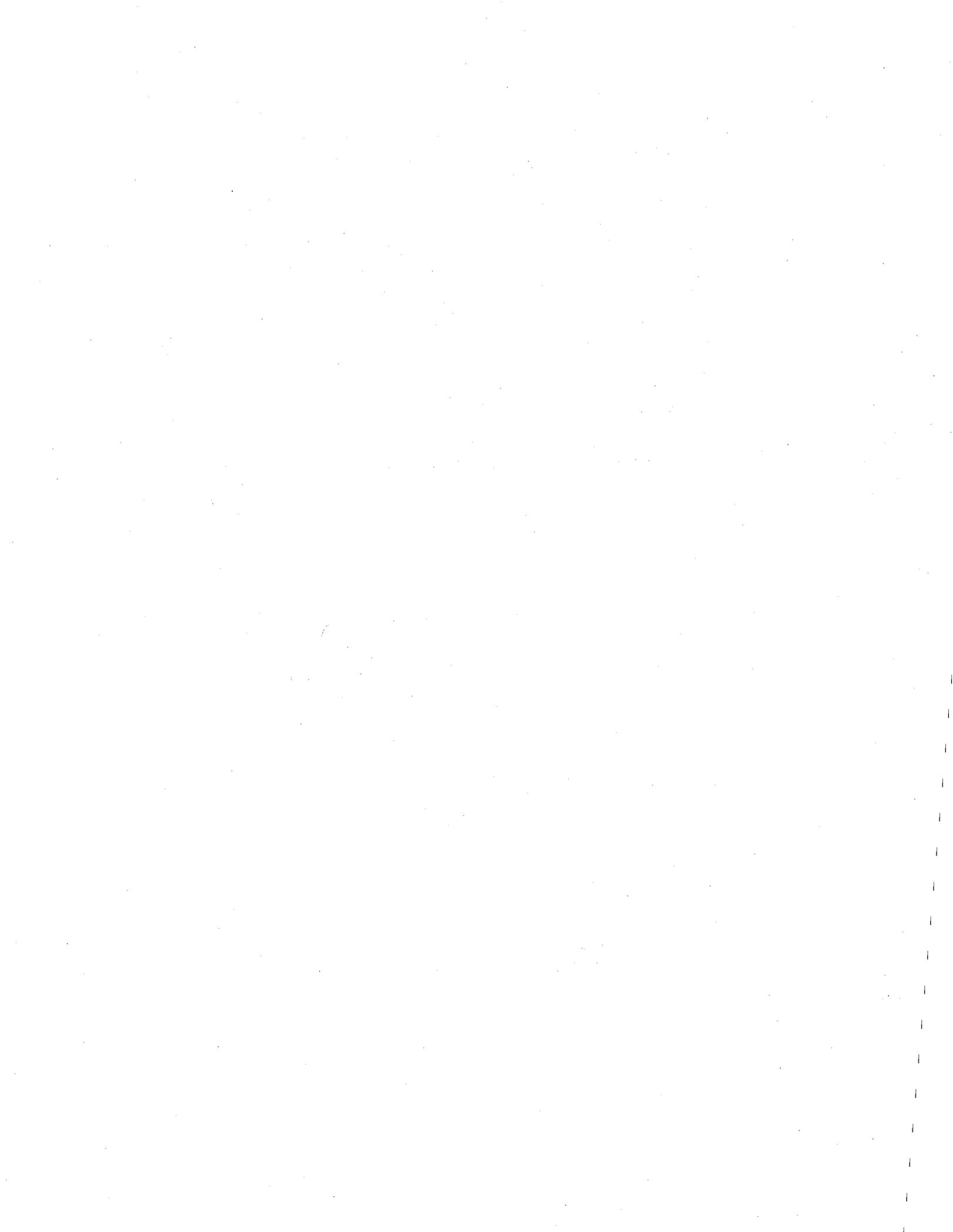
<sup>87</sup> This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).

<sup>88</sup> A Group III action 45 C.F.R. 689.3(a)(3)(iii).

<sup>89</sup> A Group III action 45 C.F.R. 689.3(a)(3)(ii).

<sup>90</sup> This action is similar to 45 C.F.R. 689.3(a)(1)(iii).

<sup>91</sup> A Group I action 45 C.F.R. 689.3(a)(1)(iii).



NATIONAL SCIENCE FOUNDATION  
4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DEPUTY DIRECTOR

**CERTIFIED MAIL --RETURN RECEIPT REQUESTED**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

*Re: Notice of Proposed Debarment and Notice of Research Misconduct Determination*

Dear Dr. [REDACTED]:

You served as a Co-Principal Investigator on a proposal submitted for funding to the National Science Foundation (NSF) entitled, [REDACTED]

[REDACTED] As documented in the attached investigative report prepared by NSF's Office of Inspector General ("OIG"), your proposal contained plagiarized material.

In light of your misconduct, this letter serves as formal notice that NSF is proposing to debar you from directly or indirectly obtaining the benefits of Federal grants for one year. During your period of debarment, you will be precluded from receiving Federal financial and non-financial assistance and benefits under non-procurement Federal programs and activities. In addition, you will be prohibited from receiving any Federal contracts or approved subcontracts under the Federal Acquisition Regulations ("FAR"). Lastly, during your debarment period, you will be barred from having supervisory responsibility, primary management, substantive control over, or critical influence on, a grant, contract, or cooperative agreement with any agency of the Executive Branch of the Federal Government.

In addition to proposing your debarment, I am prohibiting you from serving as an NSF reviewer, advisor, or consultant to NSF until [REDACTED] 2016. Furthermore, for three years from the expiration of your debarment period, I am requiring that you submit certifications, and that a responsible official of your employer submit assurances, that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material. Lastly, you must complete a comprehensive responsible conduct of research training course by [REDACTED] 2014, and provide documentation of the program's content to the OIG. The instruction should be in an interactive format (e.g., an instructor-led course, workshop, etc.) and should include a discussion of plagiarism and proper citation practices.

### Research Misconduct and Sanctions other than Debarment

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 229 lines of copied text and four copied figures from 12 sources. 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 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 Investigative Report, NSF has determined that, based on a preponderance of the evidence, your plagiarism was committed intentionally 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 intentionally. I have also considered the fact that your misconduct was not an isolated incident. 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 imposing the following actions on you:

- For three years from the end of your debarment period, you are required to submit certifications that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material.
- For three years from the end of your debarment period, you are required to submit assurances by a responsible official of your employer that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material.
- From the date of this letter through [REDACTED] 2016, you are prohibited from serving as an NSF reviewer, advisor, or consultant.
- You are required to complete a comprehensive responsible conduct of research training course by [REDACTED] 2014, and provide documentation of the program's content to the OIG. The instruction should be in an interactive format (e.g., an instructor-led course, workshop, etc.) and should include a discussion of plagiarism and proper citation practices.
- You are required to certify compliance with the requirements imposed by the [REDACTED] [REDACTED] as a result of its investigation regarding your misconduct.

All certifications, assurances, and training documentation should be submitted in writing to NSF's Office of Inspector General, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia 22230.

### **Debarment**

#### ***Regulatory Basis for Debarment***

Pursuant to 2 CFR 180.800, debarment may be imposed for:

- (b) Violation of the terms of a public agreement or transaction so serious as to affect the integrity of any agency program, such as –

(3) A willful violation of a statutory or regulatory provision or requirement applicable to a public agreement or transaction; or

\*\*\*

(d) Any other cause of so serious or compelling a nature that it affects your present responsibility.

In any debarment action, the government must establish the cause for debarment by a preponderance of the evidence. 2 CFR 180.850. In this case, you prepared and intentionally submitted a proposal to NSF containing plagiarized material, and you do not appear to appreciate the import of your actions. Moreover, the plagiarism in the NSF proposal was not an isolated incident, as plagiarized material was also identified in a University proposal, as well as a published scientific article. Based on the foregoing, it appears you lack present responsibility for managing Federal funds. Thus, your action supports a cause for debarment under 2 CFR 180.800(b)(3) and 180.800(d).

#### *Length of Debarment*

Debarment must be for a period commensurate with the seriousness of the causes upon which an individual's debarment is based. 2 CFR 180.865. Having considered the seriousness of your actions, as well as the relevant aggravating and mitigating factors set forth in 2 CFR 180.860, I am proposing your debarment for one year.

#### **Appeal Procedures for Finding of Research Misconduct and Procedures Governing Proposed Debarment**

##### *Appeal Procedures for Finding of Research Misconduct*

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, I am attaching a copy of the applicable regulations.

##### *Procedures Governing Proposed Debarment*

The provisions of 2 CFR Sections 180.800 through 180.885 govern debarment procedures and decision-making. Under NSF regulations, you have 30 days after receipt of this notice to submit,

in person or in writing, or through a representative, information and argument in opposition to this debarment. 2 CFR 180.820. Comments submitted within the 30-day period will receive full consideration and may lead to a revision of the recommended disposition. If NSF does not receive a response to this notice within the 30-day period, this debarment will become final. Any response should be addressed to [REDACTED], General Counsel, National Science Foundation, Office of the General Counsel, 4201 Wilson Boulevard, Room 1265, Arlington, Virginia 22230. For your information, we are attaching a copy of the Foundation's regulations on non-procurement debarment and FAR Subpart 9.4.

Should you have any questions about the foregoing, please contact [REDACTED], Assistant General Counsel, at (703) 292-[REDACTED]

Sincerely,



Fae Korsmo  
Senior Advisor

Enclosures:  
Investigative Report  
Nonprocurement Debarment Regulations  
FAR Regulations  
45 CFR Part 689

NATIONAL SCIENCE FOUNDATION  
4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DEPUTY DIRECTOR

[REDACTED]

**CERTIFIED MAIL --RETURN RECEIPT REQUESTED**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

*Re: Notice of Proposed Debarment and Notice of Research Misconduct Determination*

Dear Dr. [REDACTED]:

You served as a Principal Investigator on a proposal submitted for funding to the National Science Foundation (NSF) entitled, [REDACTED]

[REDACTED] As documented in the attached investigative report prepared by NSF's Office of Inspector General ("OIG"), your proposal contained plagiarized material.

In light of your misconduct, this letter serves as formal notice that NSF is proposing to debar you from directly or indirectly obtaining the benefits of Federal grants for one year. During your period of debarment, you will be precluded from receiving Federal financial and non-financial assistance and benefits under non-procurement Federal programs and activities. In addition, you will be prohibited from receiving any Federal contracts or approved subcontracts under the Federal Acquisition Regulations ("FAR"). Lastly, during your debarment period, you will be barred from having supervisory responsibility, primary management, substantive control over, or critical influence on, a grant, contract, or cooperative agreement with any agency of the Executive Branch of the Federal Government.

In addition to proposing your debarment, I am prohibiting you from serving as an NSF reviewer, advisor, or consultant to NSF until [REDACTED] 2016. Furthermore, for three years from the expiration of your debarment period, I am requiring that you submit certifications, and that a responsible official of your employer submit assurances, that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material. Lastly, you must complete a comprehensive responsible conduct of research training course by [REDACTED] 2014, and provide documentation of the program's content to the OIG. The instruction should be in an interactive format (e.g., an instructor-led course, workshop, etc.) and should include a discussion of plagiarism and proper citation practices.

### Research Misconduct and Sanctions other than Debarment

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- (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
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Your proposal contained 229 lines of copied text and four copied figures from 12 sources. 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 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 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 an isolated incident. 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 imposing the following actions on you:

- For three years from the end of your debarment period, you are required to submit certifications that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material.
- For three years from the end of your debarment period, you are required to submit assurances by a responsible official of your employer that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material.
- From the date of this letter through [REDACTED] 2016, you are prohibited from serving as an NSF reviewer, advisor, or consultant.
- You are required to complete a comprehensive responsible conduct of research training course by [REDACTED] 2014, and provide documentation of the program's content to the OIG. The instruction should be in an interactive format (e.g., an instructor-led course, workshop, etc.) and should include a discussion of plagiarism and proper citation practices.
- You are required to certify compliance with the requirements imposed by the [REDACTED] [REDACTED] as a result of its investigation regarding your misconduct.

All certifications, assurances, and training documentation should be submitted in writing to NSF's Office of Inspector General, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia 22230.

### **Debarment**

#### ***Regulatory Basis for Debarment***

Pursuant to 2 CFR 180.800, debarment may be imposed for:

(b) Violation of the terms of a public agreement or transaction so serious as to affect the integrity of any agency program, such as –

(3) A willful violation of a statutory or regulatory provision or requirement applicable to a public agreement or transaction; or

\*\*\*

- (d) Any other cause of so serious or compelling a nature that it affects your present responsibility.

In any debarment action, the government must establish the cause for debarment by a preponderance of the evidence. 2 CFR 180.850. In this case, you knowingly submitted a proposal to NSF containing plagiarized material, and you do not appear to appreciate the import of your actions. Moreover, the plagiarism in the NSF proposal was not an isolated incident, as plagiarized material was also identified in a University proposal, as well as a published scientific article. In addition, your responses to the University's report suggest that, because of your lack of understanding of NSF's referencing guidelines, you might repeat the same misconduct in other proposals submitted for Federal funding. Based on the foregoing, it appears you lack present responsibility for managing Federal funds. Thus, your action supports a cause for debarment under 2 CFR 180.800(b)(3) and 180.800(d).

### *Length of Debarment*

Debarment must be for a period commensurate with the seriousness of the causes upon which an individual's debarment is based. 2 CFR 180.865. Having considered the seriousness of your actions, as well as the relevant aggravating and mitigating factors set forth in 2 CFR 180.860, I am proposing your debarment for one year.

### Appeal Procedures for Finding of Research Misconduct and Procedures Governing Proposed Debarment

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Virginia 22230. For your information, we are attaching a copy of the Foundation's regulations on non-procurement debarment and FAR Subpart 9.4.

Should you have any questions about the foregoing, please contact [REDACTED], Assistant General Counsel, at (703) 292-[REDACTED].

Sincerely,



Fae Korsmo  
Senior Advisor

Enclosures:  
Investigative Report  
Nonprocurement Debarment Regulations  
FAR Regulations  
45 CFR Part 689

NATIONAL SCIENCE FOUNDATION

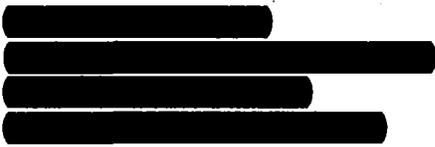
4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DEPUTY DIRECTOR



VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED



*Re: Notice of Debarment*

Dear Dr. [REDACTED]:

On [REDACTED] 2013, the National Science Foundation ("NSF") issued to you a Notice of Proposed Debarment and Notice of Research Misconduct Determination ("Notice"), in which NSF proposed to debar you from directly or indirectly obtaining the benefits of Federal grants for a period of one year. As reflected in the Notice, NSF proposed your debarment for submitting a proposal to NSF that contained plagiarized material. In that Notice, NSF provided you with thirty days to respond to the proposed debarment.

Over thirty days have elapsed and NSF has not received a response. Accordingly, you are debarred until [REDACTED] 2014.

Debarment precludes you from receiving Federal financial and non-financial assistance and benefits under non-procurement Federal programs and activities unless an agency head or authorized designee makes a determination to grant an exception in accordance with 2 CFR 180.135. Non-procurement transactions include grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurance, payments for specified use, and donation agreements.

In addition, you are prohibited from receiving Federal contracts or approved subcontracts under the Federal Acquisition Regulations at 48 CFR Subpart 9.4 for the period of this debarment. 2 CFR 180.925. During the debarment period, you may not have supervisory responsibility, primary management, substantive control over, or critical influence on, a grant, contract, or cooperative agreement with any agency of the Executive Branch of the Federal Government.

Lastly, please note that, in the Notice, NSF also took the following actions against you, which continue to remain in effect:

- From the end of your debarment period through [REDACTED] 2017, you are required to submit certifications to NSF's Office of Inspector General that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material.
- From the end of your debarment period through [REDACTED] 2017, you are required to submit assurances by a responsible official of your employer that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material. These assurances must be submitted to NSF's Office of Inspector General.
- You are prohibited from serving as an NSF reviewer, advisor, or consultant through [REDACTED] 2016; and
- You are required to complete a comprehensive responsible conduct of research training course by [REDACTED] 2014, and provide documentation of the program's content to the OIG. The instruction should be in an interactive format (e.g., an instructor-led course, workshop, etc.) and should include a discussion of plagiarism and proper citation practices.

All certifications, assurances, and training documentation should be submitted in writing to NSF's OIG, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, VA 22230.

Should you have any questions regarding the foregoing, please contact [REDACTED] Assistant General Counsel, at (703) 292-8060.

Sincerely,



Fae Korsmo  
Senior Advisor

NATIONAL SCIENCE FOUNDATION

4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DEPUTY DIRECTOR



VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED



*Re: Notice of Debarment*

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