



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A11110077

Page 1 of 1

As part of a proactive review for plagiarism in awarded proposals receiving funds under America Recovery and Reinvestment Act (ARRA), we identified an awarded CAREER proposal¹ from a PI² at a university.³ As part of our inquiry we identified a second proposal⁴ from the same PI with questionable text. Our inquiry determined there was sufficient evidence to warrant an investigation. We referred the matter to the university. The university completed its investigation, finding that PI committed careless plagiarism in the CAREER proposal and did not commit plagiarism in the second proposal. Thus, the university made no finding of research misconduct.

We disagreed with the university in its assessment of intent with respect to the CAREER proposal. We prepared our report (attached) for NSF with recommendations for a finding of reckless plagiarism and protective actions consistent with such a finding.

NSF found that the PI's actions constituted plagiarism and were a significant departure from the accepted practices of the relevant research community (attached). However, NSF agreed with the university that those actions were careless and did not warrant a finding of research misconduct.

Accordingly, this case is closed.

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National Science Foundation Office of Inspector General



Report of Investigation Case Number A-11110077 January 30, 2013

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Executive Summary

- Allegation:** Plagiarism in an NSF award.
- Inquiry:** We identified an awarded CAREER proposal and a declined proposal that contained material apparently copied from numerous sources and contacted the PI (the Subject). The Subject's response did not fully explain the copying. We referred an investigation to the University.
- University Investigation and Action:** The University completed an investigation, and concluded that the Subject carelessly plagiarized in the awarded proposal. But it found that the Subject's postdoc was the original author of the questioned text in the declined proposal. Although the University made no research misconduct finding, it required the Subject to complete training, to provide certifications, and to have a mentor.
- OIG's Assessment:**
- **The Act:** Plagiarism of 68 lines with 12 embedded citations from 12 sources in an ARRA-funded CAREER Award.
 - **Significant Departure:** The plagiarism was a significant departure from accepted practices.
 - **Intent:** The Subject acted recklessly.
 - **Standard of Proof:** The preponderance of the evidence supports a finding of research misconduct.
- OIG Recommendation:**
- A finding of research misconduct.
 - Require the Subject to certify 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.
 - Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF for 1 year.
 - Require the Subject to submit a contemporaneous certification to the AIGI that each document submitted does not contain plagiarism, falsification, or fabrication for 1 year.

OIG's Inquiry

We identified apparently copied text in an awarded CAREER proposal (the Award)¹ as part of a review of awards funded under the American Recovery and Reinvestment Act (ARRA). The Subject² is the sole PI on the Award. We reviewed a sample of his other proposals to NSF and identified a second proposal (the Proposal)³ also containing apparently copied text.

We contacted the Subject⁴ and asked for his explanation for the text, embedded citations, and figures we identified as copied from Sources A through P.⁵ Although the Subject correctly noted that 4 out of 16 source documents bore publication dates that followed the submission dates on each proposal, his explanations did not fully dispel the allegation.⁶ Four of the sources have publication dates after submission of the proposal containing the copied material. Two of these sources (Sources A and I) were papers by faculty members and colleagues in his department at the University⁷ and two by his proposed postdoctoral associate (the Postdoc)⁸ (Sources M and N). According to the Subject, his departmental colleagues or collaborators were authors on a total of seven of the source documents (Sources A, F, G, H, I, J, and L), indicating that Subject had direct access to prepublication versions of the sources. We found that the Subject had been the CoPI on other NSF proposals with some of these colleagues also listed as CoPIs. However, we did not find any of the copied text from the Award or the Proposal in these joint submissions to NSF. Thus, the copied text was not previously shared or coauthored material.

Furthermore the Subject stated:

I did not use quotation marks simply because I strongly believed that it was legal and appropriate to just add a reference to the original source after each statement based on the NSF definition of plagiarism (see below). Thus, I believe this case has nothing to do with plagiarism but rather style of citation.^[9]

We found sufficient substance to warrant an investigation and referred the allegations to the University.¹⁰

¹ Tab 1, [REDACTED]

² [REDACTED]

³ Tab 2, [REDACTED]

⁴ Tab 19, OIG's Inquiry Letter to the Subject.

⁵ Tabs 3 – 18; Sources A through P.

⁶ Tab 20, the Subject's Response to OIG's Inquiry Letter.

⁷ [REDACTED]

⁹ Tab 20 at 333. Throughout this report we refer to the OIG generated page numbers, which appear in the lower right corner of the document preceded by the case number. The page numbering is sequential from Tab 1 through Tab 29.

¹⁰ Tab 21, OIG Investigation Referral Letter.

The University's Investigation¹¹

The University appointed an ad hoc investigation committee (IC) under its research misconduct policy.¹² The IC reviewed the annotated Award, Proposal, source documents, and the Subject's response to our inquiry letter. It also interviewed the Subject¹³ and reviewed two of his publications for plagiarism.¹⁴

The IC found:

[N]umerous items of plagiarism occurred in [the Award]. These were all of the same type, and were due to haste, and lack of knowledge of proper citation form. We find no evidence of recklessness or intent to deceive. Therefore, the plagiarism was due to carelessness, and does not constitute research misconduct. . . .

With regard to [the Proposal] . . . no plagiarism occurred. Testimony indicates that a substantial part of the proposal was written by another scientist, who then reused parts of the proposal verbatim in his own later papers. These facts do not constitute plagiarism, certainly not by [the Subject]. The committee is of the opinion that treatment of the other scientist as co-PI would not be usual in this field, and accordingly failure to do so does not constitute research misconduct.¹⁵

In making its determination that the Subject acted carelessly with respect to the Award, the IC considered: 1) the Subject's "undue haste" evidenced by "the pattern of 'copy and paste'"; 2) the absence of "clear guidance on standards of quotations" and citation in his doctoral training in Europe; and 3) his stated belief that lower standards of attribution applied to proposals relative to publications.¹⁶ The IC noted that preparing a proposal in haste was "inconsistent with accepted standards of professionalism."¹⁷ The IC stated its belief "that it was careless on his part to fail to consult readily-available manuals on professional writing and on NSF standards."¹⁸

For the Proposal, the IC concluded that the Postdoc's role "did not constitute co-PI" designation, and it "would not have been appropriate to so identify him in the proposal."¹⁹ The

¹¹ Tab 22, The University's Investigation Report and Appendixes.

¹² Tab 24, University Administrative Procedures for Research Misconduct.

¹³ The University procedure states that the IC shall interview the Complainant (Tab 24 at 539). In this matter, we (NSF OIG) were the complainant. We permitted the IC to ask questions about NSF policy and procedure but we did not address or interpret the evidence in this case (See Transcript, Tab 22 at 400 - 412).

¹⁴ Tab 22 at 435 - 513.

¹⁵ Tab 22 at 345.

¹⁶ Tab 22 at 346.

¹⁷ Tab 22 at 346.

¹⁸ Tab 22 at 346.

¹⁹ Tab 22 at 346.

IC noted that the purpose of the Proposal was to execute the Postdoc's original research idea, and it "was logical for him to contribute heavily" to the preparation of the Proposal.²⁰ The IC also noted the inclusion of the Postdoc's biographical sketch and the budget justification allocating the majority of the funding to the Postdoc's activities.²¹ The IC, however, did not address alternative means of identifying the Postdoc as an author of the Proposal as directed in the NSF *Grant Proposal Guide* (GPG).²²

Although the IC did not make a finding of research misconduct, the IC recommended three actions with respect to the Subject.

- The Subject should attend "appropriate sessions" of the graduate level responsible conduct of research course, "particularly those dealing with plagiarism and citation."²³
- The Subject should "work with his department chair to develop a program for faculty and students that addresses" the responsible conduct of research, including plagiarism.²⁴
- The Subject should provide certifications for 2 years to his department chair that all proposals and reports submitted to NSF do not contain plagiarism.²⁵

The Subject's Comments on the University Investigation Report²⁶

The Subject received a copy of the university draft report and offered comments to correct an inconsistency. He also asked questions regarding the definition of plagiarism with respect to "copy and pasting followed by citation"²⁷ and the standards of scholarship for proposals relative to publications.²⁸

The University's Actions²⁹

The Deciding Official³⁰ (DO) concurred with the IC that the Subject's actions were not research misconduct and imposed the remedial actions recommended by the IC.³¹ The DO expanded the certification requirement to include proposals and reports submitted to all funding agencies.³² Although the University did not make a finding of research misconduct, the actions it implemented, including certifications, are similar to actions taken by universities that have made a finding of research misconduct under a similar set of facts.

²⁰ Tab 22 at 346.

²¹ Tab 22 at 346.

²² GPG Section I.D.3.

²³ Tab 22 at 346.

²⁴ Tab 22 at 346.

²⁵ Tab 22 at 346.

²⁶ Tab 22, at 514 – 520.

²⁷ Tab 22 at 515.

²⁸ Tab 22 at 517.

²⁹ Tab 23, The University Decision Letter.

³⁰ [REDACTED]

³¹ Tab 23 at 521-522.

³² Tab 23 at 522.

OIG's Investigation and Assessment

We notified the Subject of our receipt of the University report and invited his comments as we resumed our investigation.³³ We reviewed the University investigation report and concluded that the University investigation was accurate, complete, and in accordance with reasonable procedures, except that it inaccurately described the location of the Subject's doctoral training.³⁴ We agree with the University that the evidence does not support a finding of research misconduct with regard to the Proposal, and we agree that the Subject's actions in the Award meet the definition of plagiarism. However, we differ from the University in our assessment of the Subject's intent with respect to the Award and thus conclude that the evidence supports a finding of research misconduct.

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 the evidence.³⁵

The Act

We concur with the IC that "numerous items of plagiarism occurred in [the Award]."³⁶ The copied material identified in the Award is summarized below with respect to the number of lines of text, embedded citations, and the Subject's provision of quotation marks, citations, and references to the original source. When assessing whether attribution is appropriate for quoted material, we generally assess whether three elements are present: 1) quotation marks or other means (*e.g.*, block indentation) of distinguishing the copied material from original material; 2) the citation, which is the indicator in the narrative directing the reader to the bibliographic entry for the source; and 3) the reference, which is the bibliographic entry that reasonably leads the reader to the source of the quoted or paraphrased material.

³³ Tab 25, Notification Letter to Subject.

³⁴ 45 C.F.R. 689.9(a).

³⁵ 45 C.F.R. 689.2(c).

³⁶ Tab 22 at 345.

Summary of Copying Found in the Award

Source Document	Lines of Text	Embedded Citations ³⁷	Q (Quotation Marks)	C (Citation to Source)	R (Source Referenced)
A	5	3	N	N	N
B	3		N	Y	Y
C	4		N	Y	Y
D	2		N	Y	Y
E	2		N	Y	Y
F ³⁸	24	3	N	Y	Y
G	6		N	Y	Y
H	2		N	Y	Y
I	4	2	N	N	N
J	5	3	N	N	N
K	2	1	N	N	N
L	9		N	Y	Y
TOTALS	68	12			

NSF's definition of plagiarism includes the unattributed copying of "another person's ideas, process, results or words"³⁹ (emphasis added). We note that the Subject consistently failed to use quotations marks or other indicators (e.g., block indentation) to distinguish his original work from the work of others. In some instances, the Subject did provide the citation and reference to the original source of the copied text. However, the Subject's practice does not appropriately provide attribution to the source document because it does not denote for the reader that the words are not the Subject's original expression. For example, the multiple sentences the Subject copied from another's work (e.g., 24 lines from Source F) interspersed sporadically with citations to that source (i.e., reference 28 in the Award) does not adequately distinguish his original text from the copied text.

While he did not provide any citation to the source document (i.e., Sources A, I, J, and K), the Subject included embedded citations contained in those sources. The Subject asserted this was not plagiarism because he cited the "original source" of the intellectual content.⁴⁰ The Subject's efforts may provide de minimis attribution for the ideas but fail to attribute the source author's unique expression of that content through those words. Although Sources A and I have

³⁷ Embedded elements can include citations, references, figures, schemes, and other non-textual elements of the copied material that are integrated into the copied material.

³⁸ We note that authors of Source F were CoPIs with the Subject on an earlier proposal [REDACTED]. However, comparison of the two proposals shows no overlapping text and therefore this does not appear to be a case of previously shared text.

³⁹ 45 C.F.R. 689.1(a)(3).

⁴⁰ Tab 20 at 334-335.

publication dates after the submission date of the Award proposal, the facts indicate that the Subject had access to and copied from prepublication drafts. These facts include: the embedded citations, the length of phrase, the colleague relationship between the Subject and some authors on the sources, and the contemporaneous periods for the preparation of the Award proposal and the submission of the manuscripts.

The verbatim use of another's text without quotation marks is generally a significant departure from accepted practices. We note that another author in a relevant research community utilized quotation marks for the same passage the Subject copied in an alternative source to Source D.⁴¹ Furthermore, two prominent scientific publishers in whose journals the Subject has published each provide explicit guidance in their style manuals for appropriately demarcating text as quoted material (*i.e.*, either by quotation marks for shorter quotes or block indentation for longer passages).⁴²

The Subject told the IC that he made a distinction between proposals and manuscripts for publication. He stated that in preparing manuscripts for publication: "I'm always very, very careful to ensure that all the wording is...ours."⁴³ He added that in a manuscript for publication he would not have done as he did in the Award.⁴⁴

Thus, the Subject indicated that he was capable and knowledgeable about the requirements of a manuscript for publication, but that he did not acquaint himself with the requirements of an NSF proposal. Consequently, the Subject's failure to distinguish the copied material from his original work in the Award is a significant departure from the accepted practices of the relevant research communities in which he publishes and the NSF community of PIs.

Intent

We disagree with the University's determination that the Subject acted carelessly. We conclude that the totality of the evidence supports a finding that the Subject acted recklessly.

The act of copying and pasting material from multiple sources into a single proposal is an inherently knowing, physical act. That some of the material derived from manuscripts prior to their publication dates necessitated his receipt of the sources from their authors who are his departmental colleagues. The receipt and use of such inside information is more likely than not a knowing action. However, the Subject in 8 out of 12 instances included a citation and reference for the plagiarized materials, failing only to mark the material as quoted from either a publication or private communication. The incomplete nature of the Subject's attribution is consistent with reckless action.

The Subject's unfamiliarity with NSF expectations and belief in relaxed standards for proposals relative to publications do not significantly mitigate his level of intent. Throughout the

⁴¹ Tab 26 at 580.

⁴² Tab 27 at 596 – 597, 599 – 600, 630, and 636.

⁴³ Tab 22 at 421.

⁴⁴ Tab 22 at 421.

proposal submission process in FastLane, PIs are provided a link to the NSF *Grant Proposal Guide* (GPG) on the majority of screens. The Award was the Subject's first submission to NSF as a PI. His only previous submission was as a CoPI on a declined proposal.⁴⁵ A reasonable new PI in similar circumstances would be at least reckless in not reading the GPG for specific guidance, particularly when, as in this case, the program solicitation specifically directed the PI to do so.⁴⁶ The GPG states NSF's expectation for:

strict adherence to the rules of proper scholarship and attribution. The responsibility for proper scholarship and attribution rests with the 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.^[47]

Also, the Subject noted he received his doctoral training in the United States and not Europe as the IC stated.⁴⁸ His curriculum vita indicates his postdoctoral training at another institution in the United States.⁴⁹ His publication record shows that he has published in both European and American journals, several of which utilize the style manuals noted above.⁵⁰ The Subject stated that he used one standard for manuscripts and another for proposals and that he did not acquaint himself with the requirements of NSF proposals, including the expectation for proper scholarship and attribution. He also told the IC that he was unaware of NSF's definition of plagiarism prior to our inquiry.⁵¹ Thus, we conclude the Subject acted recklessly in disregarding NSF's expectations for the scholarly preparation of proposals, including the appropriate attribution of copied materials

Standard of Proof

The preponderance of the evidence demonstrates that the Subject recklessly plagiarized 68 lines with 12 embedded citations from 12 sources into the Award, and this plagiarism is a significant departure from the accepted practices of the relevant research communities.

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

⁴⁵ [REDACTED]

⁴⁶ Tab 29 at 702 and 705.

⁴⁷ GPG Section I.D.3.

⁴⁸ Specifically, [REDACTED] Tab 22 at 519.

⁴⁹ [REDACTED] Tab 28 at 667.

⁵⁰ Tab 28 at 678-681.

⁵¹ Tab 22 at 421-422.

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.⁵²

Seriousness

The Subject's copying in the Award without appropriate attribution meets the definition of plagiarism. It is inherently a serious act further aggravated by the fact the proposal containing the plagiarism was awarded. The Award is part of NSF's prestigious CAREER program for early faculty career development, which also adds to the seriousness of the plagiarism. The Award involves funding under ARRA; although it is by chance and not by the Subject's direct action that NSF chose to use ARRA funds for the Award.

The embedded citations and citations to some of the source documents tend to mitigate false impressions regarding the originality of the ideas that the Subject presented to the reader. However, his failure to employ generally accepted methods of demarcating quoted material increased the likelihood of a false impression to the reader regarding his ability to disseminate results according to the accepted practices of the research community.

Degree to which the Act was Reckless

As described above, the Subject acted recklessly. His asserted belief to the IC that proposals have a relaxed standard relative to publications is indicative of his reckless failure to follow the guidance in the GPG as directed in the program solicitation.

Pattern of Behavior

There is no evidence to support a pattern of plagiarism by the Subject.

Impact on the Research Record

There is no evidence to support any impact on the research record.

Other Factors

The Proposal, which we identified along with the Award, contained text that the IC determined was originally written by the Postdoc. However, the Postdoc does not appear in the Proposal as a named author as the GPG instructs. The Subject submitted the Proposal containing materials that he and the IC identified as the Postdoc's separable contribution. Thus, the Subject submitted the Proposal containing the work of another person without acknowledging authorship.

⁵² 45 C.F.R. 689.3(b).

Recommendations⁵³

Based on the evidence, OIG recommends that NSF:

- Send the Subject a letter of reprimand notifying him that NSF has made a finding of research misconduct.⁵⁴
- 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.⁵⁵ The instruction should be in an interactive format (*e.g.*, an instructor-led course) and specifically include plagiarism and appropriate attribution of sources.

Furthermore, for a period of 1 year immediately following NSF's finding:

- Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF.⁵⁶
- Require for each document (proposal, report, etc.) to which the Subject contributes for submission to NSF (directly or through his institution),
 - the Subject to submit a contemporaneous certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication.⁵⁷

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

The Subject responded with comments to our draft report.⁵⁸ He also shared our draft report with the University DO who also provided comments.⁵⁹ Both expressed concern that we were "overturning" the University's investigation and final adjudication. As a general matter, NSF's regulation allows us to accept an institution's investigation in whole or in part and forward it to NSF with our recommendations for NSF action, although we are not required to do so.⁶⁰ Our assessment and recommendations are independent of the institution's and reflect our analysis of the evidence in the NSF context. In response to the Subject's and the DO's comments, we have restated our assessment of the University investigation to improve clarity with regard to our different conclusion with respect to the Subject's intent.

Both the Subject and the DO objected to our determination that his intent was reckless, which is contrary to the IC's determination of carelessness. However, for the reasons described above we conclude that the evidence demonstrates the Subject's significant departure from what a reasonable person would do through his conscious disregard of or indifference to NSF's expectations and the resulting effect. For example, the resulting effect of his actions on others includes the potential of preventing a non-plagiarizing PI from receiving a share of limited NSF CAREER funds. As the Subject admits in his comments, his physical actions of "copying and

⁵³ 45 C.F.R. 689.6(f) and 689.9(c)(2)(ii).

⁵⁴ A Group I action 45 C.F.R. 689.3(a)(1)(i).

⁵⁵ This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).

⁵⁶ A Group III action 45 C.F.R. 689.3(a)(3)(ii).

⁵⁷ This action is similar to 45 C.F.R. 689.3(a)(1)(iii).

⁵⁸ Tab 30.

⁵⁹ Tab 31.

⁶⁰) 45 C.F.R. 689.9 (a)

pasting” were inherently knowing. Our determination of reckless intent reflects our balancing of the mitigating factors.

Included in this balancing was our assessment of his actions with respect to the Proposal, a fact that the Subject asserts is improper for us to consider when neither we nor the IC recommended a finding of misconduct for the Proposal. In his comments, the Subject admits he submitted the Proposal written in large part by a researcher who was to be his postdoctoral associate had NSF funded the Proposal. Although the Subject names the Postdoc in several places as the individual who will be conducting some of the research and overseeing the graduate student, there is insufficient indication in the Proposal to support the conclusion that the Postdoc contributed to its writing. The Subject’s submission of a proposal under his name in which a potential postdoc has written “large portions” of the text supports our assessment of a reckless disregard for providing appropriate credit in the Award.

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DEPUTY DIRECTOR

JAN 13 2014

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

[REDACTED]

Re: Report of Investigation Case Number A11110077

Dear [REDACTED]:

You were identified as the Principal Investigator on a proposal submitted to the National Science Foundation ("NSF") entitled, [REDACTED]. [REDACTED] NSF's Office of Inspector General ("OIG") asked NSF to assess whether a finding of research misconduct should be made against you based on the fact that this proposal contained material that was not cited appropriately.

Analysis

Under NSF's regulations, "research misconduct" is defined as "fabrication, falsification, or plagiarism in proposing or performing research funded by NSF ..." 45 CFR § 689.1(a). NSF defines "plagiarism" as "the appropriation of another person's ideas, processes, results or words without giving appropriate credit." 45 CFR § 689.1(a)(3). A finding of research misconduct requires that:

- (1) There be a significant departure from accepted practices of the relevant research community; and
- (2) The research misconduct be committed intentionally, or knowingly, or recklessly; and
- (3) The allegation be proven by a preponderance of evidence.

45 CFR § 689.2(c).

Your proposal contained verbatim and paraphrased text, as well as embedded references, copied from several source documents. 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. I believe that such an action is a significant departure from the accepted practices of the relevant research community.

I, however, am persuaded that you did not display the requisite level of intent required for the issuance of a finding of research misconduct. Specifically, I agree with the University that, at worst, your actions were careless. Therefore, I am declining to issue a finding of research misconduct against you.

If you have any questions about the foregoing, please call [REDACTED], Assistant General Counsel, at (703) 292-8060.

Sincerely,



Fae Korsmo
Senior Advisor

cc:

[REDACTED]
[REDACTED]