



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A12040025

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Closeout

We conducted an inquiry into an allegation that an NSF Proposal¹ with a PI and co-PI² (Subject) contained plagiarized text. In the inquiry response, the co-PI accepted responsibility for almost all of the copied text, stating that software had deleted citations. We referred an investigation of the co-PI's actions to the University.³ In the Subject's interview, he stated that he had meant to return to the text to include citations. The University pointed out that he had, however, had time to modify the text to fit his area. Further, computer records did not provide supporting evidence for accidental citation deletion. The University concluded the Subject knowingly plagiarized and we concurred with their assessment.

We recommended actions to protect the federal interest and the Senior Advisor to the Director concurred with our recommendations.

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

1

[REDACTED]

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 co-Principal Investigator on a proposal 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), this proposal contained plagiarized material.

Research Misconduct and Proposed Sanctions

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

- (1) There be a significant departure from accepted practices of the relevant research community;
- (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 your employer, the [REDACTED] concluded and the NSF OIG concurred, your proposal to NSF contained copied material. Your submission of a proposal 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 am persuaded by the seriousness of the misconduct and the 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:

- You must certify that you have complied fully with any [REDACTED] imposed sanctions;
- 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;
- 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; and
- For a period of one year from the date of this notice, you are required to submit assurances from a responsible official of your employer that any proposal or report you submit to NSF as a Principal Investigator 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 [REDACTED] Deputy General Counsel, at (703) 292-[REDACTED].

Sincerely,



Fae Korsmo
Senior Advisor to the Director

Enclosures:
Investigative Report
45 CFR Part 689

National Science Foundation Office of Inspector General



Report of Investigation Case Number A12040025 September 3, 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 in an NSF proposal.
- OIG Inquiry:** OIG identified 2 sources from which approximately 42 lines of text was copied text into an NSF proposal that had both a PI (Subject1) and co-PI (Subject2). During our inquiry, Subject2 took responsibility for one of the sources, or 38 lines, stating that software deleted his attribution. Subject1 took responsibility for the remaining source, 4 lines. OIG referred investigation of only Subject2's actions.
- University Investigation and Action:** The University concluded that Subject2 knowingly plagiarized and took the following actions: 1) A letter of reprimand be placed in Subject2's personnel file; 2) Three years of certifications to the RIO; and 3) 10 hours of RCR training, with no more than 5 hours from online sources.
- OIG's Assessment:**
- **The Act:** Subject2 plagiarized 38 lines from 1 source into 1 NSF Proposal.
 - **Intent:** Subject2 acted knowingly.
 - **Significant Departure:** Subject2's actions are a significant departure from the accepted practices of the research community.
 - **Standard of Proof:** The preponderance of the evidence supports the conclusion regarding the act and intent, and therefore a finding of research misconduct.
- OIG Recommendation:**
- Send Subject2 a letter of reprimand notifying him that NSF has made a finding of research misconduct.
 - Require Subject2 to certify compliance with the requirements imposed by the University.
 - Require Subject2 to certify completion of an RCR course.
 - Require Subject2 to submit certifications for 1 year.
 - Require Subject2 to submit assurances from his employer for 1 year.
 - Bar Subject2 from participating as a reviewer, advisor, or consultant for NSF for a period of 1 year.

OIG's Inquiry

Our inquiry into plagiarism in an NSF Proposal¹ found 42 lines of apparently copied text from 2 sources.² The two subjects, a PI (Subject1) and co-PI (Subject2)³ sent a joint response to our inquiry letter with each taking responsibility for the copying from one of the two sources.⁴

Subject2 took responsibility for the copying from Source A, which comprised about 38 lines of text. He stated that a previous version of the Proposal had contained the citation, but a LaTeX conversion (merging the two authors' bibliographies) caused the citations to disappear. He said that the copied text "relates to definitions of key terms" and was "paraphrased."⁵ We noted that the text was verbatim and was not limited to definition-type phrases. He did not address the lack of quotes or offset text.

Based on our inquiry, we concluded that Subject1's copying of 4 lines of text did not rise to the level of research misconduct and we make no recommendations about Subject1 in this report. However, we concluded that there was sufficient evidence to proceed to an investigation of Subject2's actions, and therefore we referred an investigation to Subject2's university⁶ (University).⁷

The University's Investigation^{8,9}

Consistent with its policy,¹⁰ the University appointed an investigation committee (Committee) to investigate the allegation. The Committee interviewed both Subject2 and Subject1. In Subject2's interview, he stated that he pasted in the source text and intended to return to the copied block of text and revise it.¹¹ A Committee member asked him how, if he had not edited the text as he intended, small parts of sentences and individual words were slightly modified.¹² Subject2 could not provide an adequate answer to the question. Because Subject2 claimed to OIG that LaTeX and BibTeX deleted some citations, another committee member wondered how some sources remained cited, while the one in question was deleted.¹³ Subject2's answers were again inconclusive. For example, he stated, "[T]hey were in my BibTeX file and I had cited them in previous articles. I thought I had cited them in the proposal for various sections

¹ Tab 1, [REDACTED]
[REDACTED] (Status: Declined).

² Tab 2.

³ Subject1, [REDACTED] Subject2, [REDACTED]
[REDACTED]

⁴ Tab 2.

⁵ Tab 4, Cover Letter, p.1.

⁶ [REDACTED]

⁷ Tab 5 contains the referral letter.

⁸ Tab 6, The University's Investigation Report.

⁹ Tab 7, Attachments to the University Report

¹⁰ See Tab 6, [REDACTED]. Because the Dean declared a conflict-of-interest and recused himself, oversight of the matter was transferred to the Provost.

¹¹ Tab 8, University Report Attachments Binder 3, p. 4 of interview (p. 54 of PDF)

¹² Tab 8, University Report Attachments, Binder 3, p. 10 of interview (p. 60 of PDF).

¹³ Tab 8, University Report Attachments, Binder 3, p. 12-13 of interview (p. 62-63 of PDF).

as well and that was why I was upset about that they are missing from the list of references.”¹⁴ He also asserted that he did not need quotations marks for portions of source text which consisted of the author’s definitions of concepts, even though the precise definitions are not common in other papers. He stated in his interview, “The reason I picked this particular paper is because they formally define these terms, as opposed to other papers in [this field].”¹⁵

The Committee reviewed Subject2’s LaTeX files and previous versions of the Proposal but did not find evidence that the pages were originally cited. A Committee member very familiar with LaTeX did find indications, however, that “the plagiarized text was a conscious decision rather than a careless mistake.”¹⁶ They also found that he made slight modifications to the source text in order to ensure it fit his subtly different area. The Committee stated, “Given the amount of text copied, we would rule this action as plagiarism even if the proper citation had been found in prior versions; and we seriously doubt that any author would dare include the source from which such a large block of text was taken.”¹⁷

In Subject1’s interview, he asserted that Subject2 was only responsible for two parts of the proposal: 1) the section that he copied almost verbatim from Source A; and 2) another, later section with his preliminary results. Subject1 stated that he had not seen Subject2’s contributions until the day the proposal was submitted.

The Committee reviewed other documents and determined that there was no apparent pattern of plagiarism.¹⁸ The Committee concluded, based on the preponderance of the evidence, that Subject2 knowingly plagiarized material into his portion of the Proposal. They recommended:

- A letter of reprimand be placed in Subject2’s personnel file;
- Three years of certifications to the RIO; and
- 10 hours of RCR training, with a maximum of 5 hours from online sources.

The Deciding Official¹⁹ concurred with their findings and imposed the above sanctions.

OIG’s Assessment

We assessed the Report for accuracy and completeness and whether the University followed reasonable procedures in its investigation.²⁰ We found that the general procedures were reasonable, the report was complete, and the University provided an acceptable evidentiary record. We were therefore able to accept the University’s investigation in lieu of conducting our own.

A finding of misconduct requires that: (1) there be a significant departure from accepted practices of the relevant research community, (2) the research misconduct be committed

¹⁴ Tab 8, University Report Attachments, Binder 3, p. 12 of interview (p. 63 of PDF).

¹⁵ Tab 8, University Report Attachments, Binder 3, p. 4 of interview (p. 54 of PDF).

¹⁶ Tab 7, University Report, p. 6.

¹⁷ Tab 7, University Report, p. 7.

¹⁸ Tab 7, University Report, p. 7.

¹⁹ [REDACTED]

²⁰ 45 C.F.R. §689.9(a).

intentionally, or knowingly, or recklessly, and (3) the allegation be proven by a preponderance of the evidence.²¹

The Act

Subject2 admitted his responsibility for the 38 lines of text copied from the Source into his NSF proposal. Subject2's unattributed copying is consistent with NSF's definition of plagiarism.²²

Intent

The Committee found that Subject2 was aware of what constitutes plagiarism²³ and concluded Subject2 acted knowingly. We concur with the Committee's assessment.

Despite Subject2's claims that he intended to revise and condense the pasted text, Subject2 clearly altered parts of the text to more accurately reflect his subtly different research area and proposition and to make it appear as though he had more expertise in the sub-area of research. Subject2's statement in his interview that he was less familiar with the area related to the copying²⁴ indicates that he knowingly used another's words to create the impression for reviewers that he had mastered the subject area. Subject2's actions demonstrate that he was aware of the fact that he was using another researcher's verbatim text.

Standard of Proof

The preponderance of the evidence supports that Subject2 knowingly plagiarized and that his actions were a significant departure from the accepted practices of the relevant research community. We therefore conclude that Subject2's actions constitute research misconduct.

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.²⁵

²¹ 45 C.F.R. 689.2(c).

²² 45 C.F.R. 689.1(a)(3)

²³ Tab 7, University Report, p. 6.

²⁴ Tab 8, University Report Attachments Binder 3, p. 5 of interview (p. 55 of PDF).

²⁵ 45 C.F.R. 689.3(b).

Seriousness

The amount of text copied by Subject2 is less than in some cases our office has investigated; however, the lines are contiguous, resulting in more than one page of copied text in the proposal.

In evaluating the seriousness of Subject2's actions, we are struck by the fact that copied text describing various processes occurred in the vicinity of or included the word "we", leaving the reader with the strong impression that the Subjects had authored an original description of research they carried out. In fact, Subject2 admitted he was unfamiliar with this area and the text is the source document author's description of the steps the author took. This attempt to misrepresent his background knowledge is a serious attempt to mislead to NSF reviewers.

Pattern and Impact on the Research Record

We reviewed the University's assessment of pattern based on the three articles and the NSF CAREER proposal and concurred with their conclusion that there is no pattern of plagiarism. Subject2's act has no effect on the published research record.

Recommendations

Based on the evidence, OIG recommends that NSF:

- Send Subject2 a letter of reprimand notifying him that NSF has made a finding of research misconduct.²⁶
- Require Subject2 to certify his compliance with the requirements imposed by the University as a result of its investigation.
- Require Subject2 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.²⁷ The instruction should be in an interactive format (e.g., an instructor-led course) and specifically include instruction on plagiarism.

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

- Bar Subject2 from participating as a peer reviewer, advisor, or consultant for NSF.²⁸
- Require for each document (proposal, report, etc.) to which Subject2 contributes for submission to NSF (directly or through his institution),
 - Subject2 to submit a contemporaneous certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication.²⁹
 - Subject2 to submit contemporaneous assurances from a responsible official of his] employer to the AIGI that the document does not contain plagiarism, falsification, or fabrication.³⁰

²⁶ A Group I action 45 C.F.R. 689.3(a)(1)(i).

²⁷ This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).

²⁸ A Group III action 45 C.F.R. 689.3(a)(3)(ii).

²⁹ This action is similar to 45 C.F.R. 689.3(a)(1)(iii).

³⁰ A Group I action 45 C.F.R. 689.3(a)(1)(iii).

Subject2's Response to OIG's Draft Investigation Report

We sent Subject2 a copy of our draft report and he responded that he no further comments.³¹

³¹ Tab 9.